JPRS 79626

9 December 1981

East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 1949

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[Code of Civil Procedure of the People's Socialist Republic of Albania]

[Text]

GENERAL PROVISIONS

CHAPTER I

THE CONTENT, OBLIGATIONS, BASES AND KEY PRINCIPLES OF THE CIVIL PROCEDURAL LEGISLATION OF THE PEOPLES SOCIALIST REPUBLIC OF ALBANIA

Article 1

The Content of Civil Procedural Legislation

The civil procedural legislation of the People's Socialist Republic of Albania expresses the will of the working class and of the other working masses and is an important tool of the state of the dictatorship of the proletariat for the protection of socialist civil relations. It establishes obligatory and uniform regulations for the examination and solution of civil problems.

Article 2

Duties of Civil Procedural Legislation

Civil procedural legislation has the duty to defend the socialist state, the Albanian Workers Party as the sole political guiding force of the state and of society, to defend and assist the building of socialism in the country in accordance with the principle of reliance on our own forces, to protect the legal interests of enterprises, institutions, agricultural cooperatives, social organizations and citizens.

Civil procedural legislation has the duty to prevent various civil disagreements and violations of the law and to help to educate citizens in the spirit of respect for socialist legality.

Civil procedural legislation has the duty to ensure the implementation of civil legislation in the just solution of civil issues and their speedy judgement in the struggle against manifestations of bureaucracy and liberalism.

Article 3

The Bases of Civil Procedural Legislation

Civil procedural legislation is guided by the policy of the Albanian Workers Party and is based on the ideology of the working class and on Marxism-Leninism.

Civil procedural legislation has its source in the Constitution of the People's Socialist Republic of Albania.

Article 4

The Key Principles of Civil Procedural Legislation

Civil procedural legislation includes the principles of the class struggle in the field of civil relations.

Socialist legality is another principle of civil procedural legislation.

The implementation of the line of the masses permeates the entire civil procedural legislation which is guided by the principle that the peoples councils and the social organizations play an important role in the prevention of civil disagreements.

CHAPTER II

THE COURT, THE OFFICE OF THE PROSECUTOR, THE OFFICE OF LEGAL ASSISTANCE, THE EXECUTOR AND THE PARTICIPANTS IN THE CIVIL CASE

Article 5

The Court

The court is the organ which executes the meting out of justice.

The court has the obligation to take all measures for the just and speedy judgement of civil issues, to play an active role in uncovering the truth and to keep participants in the civil case from being hurt because of ignorance of the law.

The court has the obligation to struggle, in a comprehensive manner, for the prevention of civil disagreements and violations of the law, to bring to the attention of responsible organs and organizations any deficiencies discovered during the trial and to educate citizens in the revolutionary-class concept of respect and exact implementation of the laws and regulations of socialist coexistence.

In the judgement of concrete civil cases the court is independent and makes the decision by itself on the basis of the law.

Article 6

The Office of the Prosecutor

The office of the prosecutor is the organ which monitors the exact and uniform implementation of the laws in the civil process and which intervenes so that no action contrary to these laws will be undertaken.

The prosecutor has the duty to expose violations of the law and of the norms of socialist morality and to exert an influence in the class and revolutionary education of the masses and in the prevention of civil disagreements.

The prosecutor has the right to bring suits, except for suits which are closely connected with his interests, and to participate in the procedures of any trial when he thinks that the protection of the interest of the states or of the citizens requires this.

Article 7

The Office of Legal Assistance

The office of legal assistance is the organ which, in the civil process, gives legal assistance to citizens, enterprises, institutions, agricultural cooperatives, and social organizations and executes notarial actions and acts.

It has the duty of mediating civil disagreements, collaborating with the organs of government and of state administration and with the social organizations. In cases stipulated by law it has the obligation to give legal assistance in the court.

Article 8

The Executor

The court executor is the organ which carries out procedural actions. It has the duty to execute all civil decisions, penal decisions which resolve disputes regarding property rights, and other executive functions which are under its jurisdiction by law.

In the execution of court decisions and/or other executive functions, the executor takes all measures for the voluntary execution of obligations, with the goal that this will serve the struggle for the prevention of conflicts.

Article 9

The Plaintiff

The plaintiff is the person who presents to the court a suit against one or more persons, by means of which he seeks protection of his legitimate interests and rights.

Article 10

The Defendant

The defendant is the person against whom a suit is brought in court.

Article 11

The Third Party

The third party is the person who seeks for himself a right in regard to which there is a court case between other persons.

In order to defend his interests, the third party has the right to intervene in the court case, bringing a suit against the two parties or joining with the plaintiff or the defendant.

Article 12

Interested Parties

Interested parties can be enterprises, institutions, agricultural cooperatives and social organizations which have an interest in the resolution of an issue being judged.

Article 13

Duties of Participants in the Court Case

Participants in the court case are obliged to exercise their procedural rights according to the rules of socialist coexistence; otherwise they are responsible for any damages that might result.

The court stops any attempt which participants in the court case might make to delay and complicate the judgement process.

CHAPTER III

EVIDENCE

Article 14

The Meaning of Evidence

By evidence is meant all the information which is received in the form specified by this Code which proves or refutes the charges or counter-charges of the participants in the court case.

Article 15

The Sources of Evidence

The sources of evidence in civil suits are: the testimonies of the plaintiff, of the defendant, of the third party, and of interested parties, the testimony of witnesses, documents, material evidence and the opinion of experts.

Circumstances of the issue which, according to the law, are proved in a definite manner, cannot be proved otherwise.

Article 16

The Accepting of Evidence

Participants in the court case are obliged to show and present all the evidence from the very beginning of the judgement process and to explain their charges and counter-charges.

The court has the right to accept all evidence which it considers as reasonable throughout the judgement process.

For the purpose of uncovering the truth, the court establishes the evidence which is important in the case.

Article 17

An irrevocable penal decision is obligatory for the court which is examining the civil consequences of an act only in regard to whether a penal act has been committed and whether it has been committed by the defendant.

Article 18

The court accepts the evidence in judicial session.

When it is necessary, another court can be asked to receive evidence or one of the members of the judicial body can be charged with receiving the evidence outside of the session, allowing, on this occasion, the presence of participants in the trial.

In all cases, the evidence is examined in judicial session.

Article 19

The court has the right to request and to accept from state organs, social organizations and all citizens, even when they are not participants in the court case, evidence which they have which has significance in the case.

Any participant in the case who has abandoned the case by default is obliged to appear in court when the court orders him to present evidence.

The acceptance of evidence in the manner stipulated above is carried out only when state secrets are not violated.

Article 20

The Assurance of Evidence

When there is a danger that a piece of evidence might disappear or that it might be difficult to get, the interested party can request that it be received in advance by one of the judges of the court where the evidence is found, even if the evidence might not be competent or the suit has not been initiated yet.

Written statements and all materials collected for the assurance of the evidence, at the request of the interested party, are sent to the court which is examining the case.

Article 21

The Evaluation of Evidence

No piece of evidence has pre-established value.

The court evaluates the evidence in accordance with its conviction formed after examining the evidence in toto, on the basis of the laws and on the basis of socialist juridical awareness.

Article 22

The Statements of Participants in the Court Case

The statements of participants in the court case on circumstances which have significance for the case, which are known to them, are evaluated along with other evidence.

Article 23

The Witness

A person who has information on circumstances which have significance for the case can be a witness.

Every person, when he is called as a witness in court, has the obligation to testify in regard to the facts of which he has knowledge.

Persons who, because of physical and psychological defects are not able to be normal witnesses, cannot be summoned and questioned.

The statements of a witness are not acceptable as evidence when he does not tell where he learned the circumstances about which he speaks.

The failure of a witness to appear, without legitimate reasons, results in his being subpoenaed.

Article 24

When the law, for the validity or proof of a legal action, requires a written statement, evidence from witnesses can be allowed if:

a) the legal action has been completely or partially executed;

b) the legal action was executed under conditions of special relationships of the litigants;

c) the official written statement has been lost or destroyed through no fault of the person making the claim;

ch) the legal action carried out by means of the written statement is a violation of the law or has been done for appearance sake as a result of threats or deception;

d) when evidence by written statement is initiated. The iniation of evidence by written statement means any statement from the person against whom the request is being directed, the contents of which reveals that the claimed fact is somewhat true.

Article 25

Evidence from witnesses is not permitted to invalidate an official act or a simple written statement which constitutes full evidence.

Evidence from witnesses is not permitted in the case of agreements of parties in regard to the modification of a contract, the cancellation of an obligation by completion, or the forgiving of monetary obligations, when these result from a contract which has been made or should have been made with documents and if the sum of money or the assets paid are less than 1,500 leks.

Article 26

The Interrogation of Witnesses

The witnesses are interrogated one by one, in the presence of the participants in the court case, but not in the presence of other witnesses who have not yet been questioned.

The order of the interrogation of the witnesses is set by the person presiding over the judicial session.

Article 27

The Interrogation of Minor Witnesses

A witness who is under 14 years of age is interrogated in the presence of a teacher, a legal representative or a close relative.

A witness who is older than 14 years of age can be interrogated in the presence of the persons mentioned above when it is deemed necessary.

Article 28

Documents

Documents are proces-verbals of court actions kept on the civil case and any other written document which authenticates facts which have significance in the case.

Official acts are the ones which are issued by the organs of state power or of state administration and by state workers and acts which are issued by enterprises, agricultural cooperatives or social organizations within their areas of jurisdiction.

Documents signed by citizens are simple written statements.

Article 29

Official acts issued by organs of state power or of state administration and official acts which are drawn up by state employees in their areas of jurisdiction and in the established form constitute full evidence in regard to their content.

Copies and summaries of the aforementioned acts, attested to according to regulations, have the same force of evidence as the original.

Official acts which are issued by organs of state power or of state administration and which do not deal with the nature of their functions and official acts issued by enterprises, agricultural cooperatives and social organizations constitute evidence in regard to their content when the contrary is not proved, except for cases when the law specifies otherwise.

Article 30

Notes made in accounting books, when they are kept in order, are evaluated by the court in relation to other circumstances of the case.

Article 34

The document can be challenged in one of the following ways:

a) by denying the writing or by stating that one does not know if the writing or the signature in the simple written statement belongs to the person leaving the legacy or to the person from whom the rights are derived;

b) by claiming that the document is falsified.

In the above cases the court, with the help of experts, determines the authenticity of the document.

When it turns out that the document is not authentic or is falsified, the court excludes it from the evidence and, according to the case, orders penal prosecution.

Article 35

Material Evidence

Material evidence consists of those things which serve as a means of verification of circumstances which have significance in the case.

Article 36

The Treatment of Material Evidence

Material evidence is presented in detail in the proces-verbal, when it is possible, it is photographed and, by decision of thecourt, it is put together with the case.

Material evidence which, because of its nature, could be damaged, if it cannot be returned to the persons to whom it belongs, is presented to enterprises, institutions or agricultural cooperatives, which are obliged to return these articles or their equivalent value, when this is finally determined by the court.

Material evidence can be returned to the persons to which it belongs before the conclusion of the court case when this does not adversely affect the investigation of the case.

Article 37

Material Evidence After the Resolution of the Civil Suit

By decision, the court stipulates what should be done with the material evidence, making sure that:

1. The things are returned to their owners or to those who have had legal custody over them.

2. Articles, which it is prohibited to keep or to circulate, are given to the appropriate institutions or are destroyed.

3. Things which have no value are destroyed.

4. When the need arises for obligatory implementation of the decisions, the articles can be handed over to the executive office of the court so that a record can be made of the implementation.

Article 38

Seeking Expert Opinion

When, in order to discover or elucidate information which is important for the court case, special knowledge from the fields of science, art or technology is necessary, then the court or the judge decides to seek expert opinion.

The expert opinion is exeucted in the state institutions by one or more specialists or by other specialists who are stipulated by the court or by the judge.

The failure of the expert to appear in court, without legitimate reason, is cause for subpoenaing him to appear.

Article 39

The Opinion of the Expert

The expert gives his opinion in writing and after this he can be subjected to questioning by the court.

The opinion of the expert is not binding on the court; however, when the court has a different opinion from that of the expert, it must document this different opinion in detail, in the final decision or in a decision which it hands down during the court case.

When it believes it is necessary, it can order a supplementary or a new expertize.

Article 40

Translation

In order to interrogate persons who do not know Albanian or for the translation of documents in foreign languages, the court or the judge must call upon a translator.

When a deaf or dumb person is being interrogated, a person who understands sign language is called upon if the interrogation cannot be carried out in written form.

If the translator does not appear, he is subpoenaed to come.

CHAPTER IV

PROCEDURAL ACTS AND SCHEDULES

Article 41

The Meaning of Procedural Acts

Procedural acts are decisions, proces-verbals and other documents which are stipulated by the provisions of this code and which contain the circumstances which are related to the court case, which resolve various problems during the trial or which set forth the rights and duties of the court, of the prosecutor, of the executor and of the participants in the civil suit.

Article 42

Court Decisions

They are decisions handed down by the court in judicial session and during the execution of a decision.

Judicial decisions are handed down by the judicial body. The judge hands down decisions in cases which are stated expressly in this Code.

Article 43

The Final Decision of the Court

The final decision of the court is the act which is issued by the court in the name of the people after examining the case in judicial session and which contains the socio-political evaluation of the civil disagreement, the legal basis on which its resolution is made, the analysis of evidence and the manner of resolving the case.

The decision contains the foreword, the descriptive section presenting the arguments and the section with orders.

In the foreward of the decision, the following are mentioned: the court which has judged the case, the time and place of the handing down of the decision, the last name, the first name and other information on the plaintiff, the defendant and other participants in the civil suit, the issue upon which there is disagreement and the definitive demands of the participants in the case.

The descriptive section presenting the arguments contains the following: the socio-political evaluation of the civil disagreement, the legal basis used in the resolution of the case and the analysis of the evidence.

The section with orders contains: a) the manner of resolving the case, b) the person or persons to whom the court expenses are charged, c) the right to make an appeal or protest and the deadline for presenting them.

Article 44

The Decision to Suspend the Case

The decision to suspend a case is an act which, in cases specified in this Code, is issued by the court, by means of which a civil case is ended without the matter being resolved completely.

Article 45

The Law Suit and Counter-Suit

The law suit is the action by means of which the plaintiff presents his claims against the defendant.

The defendant has the right to present a counter-suit when the request for a counter-suit is connected with that of the suit or when it can be connected with it.

Article 46

The Protest

The protest is the act by means of which the prosecutor seeks the abrogation or modification of judicial decisions or acts of the executor.

Article 47

The Appeal

The appeal is the act by means of which the participants in the civil suit challenge the decisions of the court, of the judge or of the executor, in order to defend their rights and interests.

Article 48

The Request for the Protection of Legality

The request for the protection of legality is the act by means of which the president of the Supreme Court or the prosecutor general seeks the nullification or modification of final decisions.

Article 49

The Content of Proces-Verbals

For actions carried out in court session, a proces-verbal is drawn up containing the following:

a) the place, the year, the month, the day, and, when necessary, the time, of the beginning and conclusion of the actions;

b) the last name, first name and capacity of the person executing the action;

c) the last name and first name of the persons who are participating in the execution of the action;

ch) the actions which they executed and the statements and demands of the persons participating.

The proces-verbals of the court session are signed at the end by the present and secretary of the session.

The proces-verbal with the above demands is also drawn up in all cases specified in this Code.

Article 50

Comments on the Judicial Proces-Verbal

Persons who have taken part in the court session or in the activity for which the proces-verbal has been drawn up can make comments on the proces-verbal, pointing out its defects, within three days of the end of the court session.

The court rules in regard to these comments in council, which must be attended by the president of the session and by one of the associate judges who have participated in the case.

Article 51

The Meaning of the Procedural Deadline

The procedural deadline means the time by which an action should be carried out or a decision should be issued in accordance with the special provisions of this Code.

Article 52

The Calculating of Deadlines

Deadlines are calculated in hours, days, weeks, months and years. In the calculation of deadlines, the hour and the day that the processes begin are not taken into consideration.

When the deadline is calculated by the day, it expires at the 24th hour of the last day.

When the deadline is calculated by the week, month and year, it expires on the appropriate day of the week of the month or of the year. When the month or year does not have this deadline date then it expires on the last day of the month or on the following day of the next month, if the deadline is set in years.

When the deadline date falls on a holiday then the deadline expires on the day after the holiday.

Article 53

The last day of the deadline continues until the 24th hour, however, when a procedural action is to be carried out or a request or some other act is to be presented to the court, the deadline expires at close of business.

The deadline is not considered to be exceeded when the request or act is sent by mail on the last day of the deadline.

When the trial is suspended then all the deadlines which are in process but have not been completed are also suspended.

The deadlines set by the court, which have not been completed, can be extended by the court at the request of persons participating in the trial.

Article 54

The Re-establishing of Deadlines

At the request of persons participating in the trial, when the deadline has been exceeded for legitimate reasons, the court before which the action must be carried out can re-establish the deadline by decision.

A special appeal can be made against this decision.

CHAPTER V

THE FORCE OF DECISIONS OF FOREIGN COURTS AND THE IMPLEMENTATION OF OTHER ACTS OF FOREIGN COURTS IN THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA

Article 55

Decisions of foreign courts are enforced in the People's Socialist Republic of Albania when a special agreement has been signed for this purpose between the Albanian state and the foreign state.

When the agreement does not also contain provisions in regard to the way in which the decisions should be enforced then the provisions of this chapter are executed.

Article 56

The request for the enforcement of the decision, in accordance with the above article, is presented to the Civil Collegium of the Supreme Court.

To the request is attached a copy of the decision certified by the court which has issued it as well as the certification issued by this court that the decision is in final form.

The court expenses are borne to the extent specified in the country of the party seeking to enforce the decision.

Article 57

The Civil Collegium of the Supreme Court makes sure that the decision presented does not contain provisions which conflict with the legal provisions in force in the People's Socialist Republic of Albania or with the norms of socialist coexistence but does not investigate how the case has been resolved by the foreign court.

Article 58

A decision of a court of a foreign state cannot be enforced in ne People's Socialist Republic of Albania when:

a) the decision has not been handed down in connection with a suit related to property rights or to another right dealing with real estate in the People's Socialist Republic of Albania;

b) according to provisions in force in the People's Socialist Republic of Albania, the dispute cannot be within the jurisdiction of the court of the state which issued the decision;

c) the Albanian citizen defendant has not taken part in the suit and it has been proven that no summons has been given to him;

ch) between these sides, for the same purpose and the same reason, a final decision has been made by the courts of the People's Socialist Republic of Albania or a suit which was brought before the decision of the foreign state took effect is being reviewed;

d) the decision is invalid according to the provisions in force in the state in which it was handed down.

CHAPTER VI

COURT EXPENSES AND FINES

Court expenses are borne by the person who is responsible for the conflict being brought for resolution.

When the case is resolved by mediation the expenses are borne by each party which incurred them, with the exception of cases when there is an agreement to the contrary.

Any participant in the trial who intentionally causes a postponement in the judgement of a case is charged with all the expenses which have been incurred as a result of this postponement.

If the defendant, by his behavior, has not given the plaintiff cause for bringing the suit, even if the suit is accepted, the expenses are borne by the plaintiff.

Expenses for witnesses, experts and analysis are paid in advance by the party which has requested them, and the amount of money is established by the court.

Article 60

When the witness or the expert, without reasonable cause, does not appear in court or the witness refuses to testify and the expert refuses to give his opinion, he is fined up to 100 leks.

When a third person who is not a party to the suit does not agree to present a document or an article which has been proven to be in his possession and which has been requested by the judge, he is fined up to 100 leks.

When participants in the civil suit and other persons do not obey the orders of the head of the court session, by decision of the court they can be fined up to 50 leks.

Article 61

Persons who are fined in accordance with Article 60 can present to the court which penalized them, within 5 days, a request for the removal of the fine.

When it finds that this request is justified the court withdraws the decision penalizing the person by a fine.

The decision handed down by the court is final.

SPECIAL SECTION

A. JUDGEMENT AT THE FIRST LEVEL

CHAPTER I

THE COMPOSITION OF THE COURT AND ITS EXCLUSIONS

Article 62

The Composition of the Court

Civil cases at the first level, in the Supreme Court and in the district courts, are examined by a judge, as the head of the judicial body, and by two associate judges, who have equal rights in the resolution of the case.

A secretary who keeps the proces-verbal of the session takes part in the examination of cases at the first level.

At the second level, the Supreme Court and the judicial council of the district court examine the cases with three judges. At the decision of the president of the Supreme Court or of the president of the district court, in addition to the three judges, two associate judges can participate in the examination of cases.

When the number of judges in a district court is not sufficient to form a judicial council, this number is supplemented with judges from the closest district who are designated by the president of the Supreme Court.

When a judicial council cannot be formed in a district with supplementation, the Supreme Court itself takes the case for examination.

Article 63

Cases of the Exclusion of Judges

In the examination of a civil case persons who are close to the participants in the case cannot take part as judges. These include: spouses, close relatives (both older and younger, brothers, sisters, uncles, aunts, nephews, nieces, children of brothers and sisters) or close relatives by marriage (fathers-in-law, sons-in-law, brides, brothers-in-law, sisters-in-law, step-children, stepfathers and stepmothers).

Article 64

A judge who has participated in the same case as a witness, as an expert or as a representative of participants in the court trial cannot take part in the examination of a case, when there are other circumstances which cast doubts in regard to his impartiality.

Article 65

A judge who has taken part in the handing down of a final decision in a judgement at the first level cannot take part in the examination of the same case at the second level or in its re-judgement, with the exception of cases stated in this Code.

Article 66

The Exclusion of Prosecutors, Secretaries, Translators and Experts

The cases stipulated in Article 63 of this Code, when there are circumstances which cast doubts in regard to their impartiality, also are valid in regard to the exclusion of prosecutors, secretaries of the court session, translators and experts.

The court which is examining the case decides in regard to their exclusion.

Article 67

The Manner of Excluding Judges

The exclusion of the judges is requested immediately after the composition of the court is announced. A later request is permitted when the reason for the exclusion has been learned later.

The request for the exclusion of a judge is resolved by a majority of votes of the other judges. When there is a tie, then the judge is considered to be excluded.

A request for the exclusion of the entire judicial body is resolved by a majority vote of the judicial body itself.

Article 68

The Examination of the Case by the Same Judicial Body

The case is examined by the same judicial body. When one of the judges is not able to continue to participate in the session, he is replaced by another judge and the case is examined from the beginning, when the new judge requests it.

CHAPTER II

JURISDICTION

Article 69

The court examines and resolves all cases dealing with laws related to civil, family, labor and cooperative matters with the exception of those which have been relegated to other institutions by law.

The court examines and resolves cases with special judgement or other cases when they are specified by law.

The court itself decides whether a case which has been presented to it is under the jurisdiction of the courts or of some other institution. The decision of the court is obligatory for the institution. A special appeal or protest can be made against this decision.

No other institution has the right to accept for examination any case which is being examined by the court.

Article 70

The participants in the court case cannot conclude among themselves any agreement that cases which come under the jurisdiction of the Albanian courts would be examined by a foreign court or by an arbitrator. Exceptions are made in regard to cases arising from contacts signed between the foreign trade enterprises and foreign persons and when the agreement calling for their examination by foreign courts or by arbitrators has been made in writing and has been approved by the appropriate ministry.

Article 71

The Albanian court does not suspend or dismiss the judgement of a case when the case or another matter related to it is being judged by a foreign court.

Article 72

When the suit includes a number of demands, some of which pertain to the court and others to other institutions, then they will all be resolved by the court.

Article 73

When the court has agreed that a case is within the jurisdiction of the courts and another state institution claims that this case is within its jurisdiction, then the conflict which arises is resolved by the Civil Collegium of the Supreme Court, at the request of the state institution or of the prosecutor.

CHAPTER III

COMPETENCIES

Article 74

The district court examines all cases, with the exception of those which, by law are within the competency of the courts of the villages, of the cities, or of the sectors of the city.

Article 75

The suit is brought in the court where the residence of the defendant is located.

A suit against a number of defendants residing in various places can be brought in the court of the place where any one of the defendants resides.

When the place of residence of the defendant is not known and when he resides outside the country the suit is brought in the court of the place of residence of the plaintiff.

Article 76

A suit seeking food, payment and work days can also be brought in the court in the place of residence of the plaintiff.

A suit to prove the existence or the non-existence of a marriage, to invalidate a marriage and to dissolve a marriage can also be brought in the court of the place where the spouses had their last common residence.

A suit for the compensation of damages can also be brought in the place where the damage occurred.

A suit arising from a juridicial relationship with a branch of a legal entity can also be brought in the court in the place where the branch of the legal entity has its headquarters.

Article 77

A suit related to real estate, to the distribution of common property, and to failure to relinquish property, suits which arise from the obligatory execution of duties and suits related to inheritance are brought in the court of the place where the property or the wealth inherited, or the greater part of them, are located or in the place where the bequestor resided at the time of his death.

Article 78

The plaintiff has the right to choose from a number of competent courts.

When, on the basis of the regulations, of this Code, a competent court cannot be established, it is established by the Civil Collegium of the Supreme Court at the request of the party concerned.

Article 79

The court which examines the main suit has the power to examine the countersuit and other requests of participants in the judgement.

Article 80

The court in which the suit is brought, when it is not competent to examine the case, declares its incompetence and sends the suit request and the documents to the competent court. A separate appeal or protest can be made against this decision.

The court, even when it is competent, can send the case to another court which is also competent when it believes that this court will resolve the case more quickly and more easily than the court selected by the plaintiff.

Article 81

The Civil Collegium of the Supreme Court, taking into consideration the location of the participants in the case, the evidence and the circumstances, or when it deems it necessary, can remove any case from the court of one district and send it for examination to the court of another district.

Article 82

Any case which is sent for examination from one district court to another district court must be accepted by the court to which it is sent.

Disagreements among the courts in regard to competencies are not permitted.

CHAPTER IV

BRINGING SUIT

Article 83

The citizens, before bringing suit for judgement, should do all they can to ensure that the issues are resolved through mediation or that the legal obligations are met in a voluntary manner. For this purpose the citizens seek the assistance of the peoples councils or of the social organizations which, through the activation of selected persons, make an effort to prevent civil conflicts.

Article 84

When the disagreement is not resolved through mediation, in accordance with the above article, the citizen has the right to bring his own suit or to address himself to the office of legal assistance.

The office of legal assistance makes an effort, before the suit is drawn up, to prevent the case from going to the court.

When the nature of the disagreement permits solution by mediation and the mediation achieved is not in conflict with the law and with the norms of socialist coexistence, the legal counsellor prepares a proces-verbal which is also signed by the citizens. In these circumstances, the case is considered to be resolved in accordance with the conditions specified in this proces-verbal.

Article 85

The legal counsellor exerts every effort for the resolution, with good will, of disagreements between citizens and enterprises, institutions, agricultural cooperatives and social organizations.

When citizens have illegal requests, the office of legal assistance, for educational purposes, can make the issue a matter of concern for the social organizations or the workers' collectives.

When violations of the law are discovered in the activity of the enterprise, the institution, the agricultural cooperative or the social organization, the office of legal assistance makes them known to the responsible organs so that measures can be taken to prevent conflicts.

Article 86

The judgement begins with the presentation of request for the suit, in writing. A suit can be brought:

a) to seek the restoration of a right which has been violated;

b) to prove the existence or the absence of a juridical relationship or of a right;

c) to learn the truth or the lack of truth of a document when the plaintiff has juridical consequences in regard of this. [as published]

Article 87

The request for a suit includes the names of those being summoned to the court, their place of residence, the request of the plaintiff, the circumstances on which the suit is based, the presentation of pertinent evidence and all actions which have been taken to solve the matter by mediation.

Along with the application for the suit, copies of this request and of evidence documents, in the same number as there are defendants, are presented.

The application for the suit is recorded and a copy, together with its documents, is given to the defendants.

Article 88

An application for a suit which does not fulfill all the conditions mentioned in the above articles is not acted upon and the court informs the plaintiff in this regard, setting a deadline for remedying the shortcomings.

If the plaintiff does not correct the deficiencies by the deadline set, the application for the suit is considered not to have been filed and is returned to the plaintiff together with the other documents.

When the shortcomings in the application for the suit are corrected within the time limit established then it considered to be accepted from the day that it was presented.

Article 89

In an application for a suit against one or against many defendants, in regard to related matters, the plaintiff can present a number of requests.

When it is believed that the joint examination of all requests will cause difficulties the decision can be made to examine them one by one.

When cases are being examined in a court with the same persons as plaintiff or defendant, or when the cases are related, they can be combined into one judgement and a combined decision can be given for all.

The defendant can bring a counter-suit which is presented before the court investigation of the case has been completed and which must be presented in accordance with the regulations set for bringing suit.

CHAPTER V

THE ACTIONS OF THE JUDGE ALONE

Article 91

The Prevention of Judgement

When the judge receives an application for a suit and considers that it is not justified he makes an effort to convince the plaintiff to withdraw it for the purpose of preventing the judgement of the case in court session.

Article 92

The judge alone exerts all efforts to persuade the plaintiff and the defendant to voluntarily execute their legal duties and, when there is an opportunity to solve the matter by mediation. For this purpose he meets with the plaintiff and the defendant, with people close to them, and collaborates with the peoples councils and with the social organizations and does everything which he deems necessary.

Assistant judges of the district court can also be assigned the task of executing mediation actions.

Article 93

When the plaintiff and the defendant agree to mediation and this mediation is not in contradiction with the law and with the norms of socialist coexistence, a proces-verbal is prepared which states the conditions of mediation. The proces-verbal is signed by the parties and approved by the judge.

Article 94

Preparatory Actions

When efforts to prevent the judgement have not been successful and when the matter, because of its nature, cannot be resolved by mediation, the judge, after he has heard the plaintiff and the defendant, carries out all the necessary actions so that the case will be prepared in the best way possible and so that it will be resolved as quickly as possible.

The judge can take the following actions for the preparation of the case:

a) He takes all measures so that the application for the suit will be completed in accordance with this Code, he seeks explanations from the plaintiff and the defendant, for the purpose of determining the nature of the disagreement, its causes and the evidence which should be used during the judging of the case.

b) He approves mediation in accordance with Article 92 of this Code; he takes measures to ensure the action; he makes a decision in regard to the temporary

execution of obligations, in cases where this is permitted by the provisions of this Code; he sends a letter of instruction for completion; he makes decisions in regard to the seeking of the opinion of experts or the translation of foreign language documents; he takes measures to appoint a representative when this is permitted by the provisions of this Code.

c) He decides whether the matter is within judicial jurisdiction and in the competency of the court where it has been presented and he sends the application for the suit and other documents related to the case to the appropriate organs; he makes a decision in regard to the combining or separating of suits in accordance with Article 89 of this Code and in regard to substitutes for the plaintiff or the defendant in accordance with articles 119-123 of this Code.

ch) He decides upon the suspension and the interruption of the judgement of the case in the circumstances specified in articles 126 and 127 of this Code.

d) He makes a decision in regard to the presentation of a case in court session, setting the date and time and notifying the participants in the case and the witnesses.

dh) When enterprises, institutions, agricultural cooperatives or social organizations have an interest in the judgement of the case, he calls upon them to participate in the judgement.

In cases where an expert is named and the letter of instruction has been completed he informs the plaintiff and the defendant and, when he deems it necessary, also seeks their opinion.

Article 95

The Judgement Plan

For every civil case, after the conclusion of the preparatory actions, the judge himself prepares the judgement plan which specifies, in particular:

--the organizational measures for the execution of the judgement and other actions which should be taken to prepare the case;

--problems of a political, ideological and social nature which will be treated during the judgement process and afterwards, for the education of the workers' collectives and for the strengthening of unity;

--problems of a legal nature which must be cleared up during the judgement process to resolve the case and to ensure that a just decision is made;

--problems which should be resolved in order to discover the causes and case some light on the circumstances which resulted in the disagreement as well as measures which should be taken for cooperation with the state organs and the social organizations for the prevention of other violations of the laws.

CHAPTER VI

Summoning to Court and Notifications

Article 96

Summoning to the court takes place by means of a letter of summons and, in urgent cases, by telegram. When the person being summoned is present, the summons is served orally and it is placed in the documents of the case.

Notifications to persons outside the borders of the People's Sociaist Republoc of Albania are executed by the Ministry of Foreign Affairs.

Article 97

The letter of summons is handed to the person who is being summoned, at his place of residence or at work and his signature is received. If he is absent temporarily, the letter of summons is handed, on signature, to adult family members or neighbors or to the management of the work or service center or to any other person specified by him.

A plaintiff or defendant who leaves the country and has not designated a representatative is obliged to designate a person whom the court should notify. When this person is not designated, all the documents are put together in the dossier and notification is considered to have been given.

Article 98

When the person who is summoned to court or members of his family do not accept the letter of summons, this fact is noted by the summons server on his copy and is verified in writing by a witness and the notification is considered to be completed.

Article 99

When the place of residence of the defendant is not known, the summons to court is served no less than a month before the date of the trial; the letter of summons is deposited in the office of the people's council in his last place of residence and the document is put in the place for court announcements.

When the defendnat did not have a residence in the People's Socialist Republic of Albania, his summoning takes place with the depositing of the document in the place for court announcements.

These regulations are also executed when the defendant has a known residence in a foreign country but notification in this country is impossible or very difficult.

Article 100

The regulations specified in Article 96/I of this Code are also executed in regard to the summoning of witnesses, experts and other participants in the court trial.

Article 101

The communication of letters of summons and other court documents to foreign countries is carried out by order of the president of the district court in the place where the communication will be executed, according to the regulations stated in Articles 97/I and 99/I and II of this Code.

CHAPTER VII

THE COURT SESSION

Article 102

The Organization and Direction of the Judgement

The court organizes and directs the judicial examination and takes measures to ensure the normal development of the judgement.

The president of the judicial body opens the court session on the day, at the hour and in the place established.

The judicial examination of the case takes place with the active participation of the entire judicial body by means of questions and the administration of evidence during the development of the judgement process. The court takes all measures to ensure that the case is examined without interruption, in one session.

Article 103

The Deadlines for the Conclusion of the Examination of the Case

The court is obliged to complete the civil case:

a) no later than 20 days from the date of its arrival in the court, in suits of workers and functionaries connected with dismissals from jobs;

b) no later than two months from the date of its arrival in court, in cases dealing with divorces and inheritances and for those for which a deadline is required for the notification of the defendant, no less than one month;

c) no later than one month from the date of its arrival in the court for all other cases.

Article 104

Judgement in Open Session

The examination of the civil case in the court takes place in open session.

Article 105

In order to increase the educational role of the judgement process, the court, on its initiative and at the request of the state organs, the social organs or the workers' collectives, has the right to decide to examine cases in work centers, in city districts and in villages in the presence of the workers.

Article 106

Judgement in Closed Session

Upon decision of the court, the judgement of cases takes place exclusively in closed session when:

a) it is necessary to keep a state secret;

b) the circumstances of the case deal with the intimate life of the plaintiff and the defendant.

In all the above cases, the decision is announced publicly but, when the court considers it advisable it has the right to announce only part of its order.

Article 107

Participants in the Trial and Their Representation in Court

Persons who participate in the judgement, the plaintiff, the defendant, and any third party, bring cases to court personally and, in certain cases, by means of a representative. The state and the peoples councils are represented in court in the manner prescribed by law.

The enterprises, institutions, agricultural cooperatives and social organizations bring cases to court by means of the organ which represents them or by means of persons authorized by them.

Article 108

Minors under 14 years of age and mentally incompetent persons participate in the judgement process through their legal representatives.

Minors over 14 years of age and persons with limited mental abilities can execute procedural actions themselves but their legal representatives must give their approval for this. This approval is not necessary in the case of judgements in which these people are participating which deal with labor disputes, with deposits made by them in savings banks, with responsibility for damage caused by them and in cases stipulated expressly in the law.

Article 109

Legal counsellors and all citizens who have the ability to take action, with the exception of judges, prosecutors, and judicial executors, can serve as representatives of persons who take part in the judgement process.

For justifiable reasons, the court can keep any person from acting as a representative.

Judges, prosecutors and judicial executors are permitted to be representatives when they are acting as representatives of appropriate organs or as legal representatives.

Article 110

Persons who participate in the judgement process can appoint their representative orally before the court and this fact is recorded in the proces-verbal.

Persons who participate in the judgement process can appoint their representative to execute actions before the court, by the act which represents their will (proxy), in one of the following ways:

a) by notarized statement;

b) by a document certified by the chairman or secretary of the people's council of the place of residence of the representative;

c) by a document certified by the commander of the military unit to which the soldier represented belongs;

ch) by a document certified by the administration of the prison or of the place where the person arrested is located;

d) by a document certified by the signature of the director and by the appropriate stamp when enterprises, institutions, agricultural cooperatives or social organizations are represented.

It is necessary that the representative be equipped with a special proxy for the following things: concluding cases through mediation, withdrawing the suit partially or completely, accepting a suit in its entirety or partially and carrying out actions which constitute the disposition of the object of the suit.

Article 111

The Beginning of the Judgement

The judge who presides at the court session directs the development of the session and limits the inquiries to the case, giving the judgement process the most suitable direction for the discovering of the truth.

After the court session is opened, the court checks to see if any of the participants in the case is not present and investigates the causes of his failure to appear. If one of the participants fails to appear because of sickness or other justified reasons, the court postpones the judgement to another day.

Article 112

When one of the participants in the court case is absent from the court session without good reason, the judgement process takes place in the absence of this person.

When none of the participants in the case are present at the court session without good reason, the court decides to suspend the judgement of the case.

Article 113

The court, after announcing the composition of the judicial body, explains to the participants in the case their precedural rights and duties, resolves preliminary requests and decides whether to accept them or reject them.

Article 114

Observance of the Regulations of the Court Session

The court decides on the removal of the participants in the trial from the court session without interrupting the investigation process, if they have violated the regulations of the session and continue to act in this manner despite all the warnings which have been given to them. Other persons can be ejected from the courtroom upon the order of the presiding officer of the court session.

Article 115

Mediation Actions

The court begins the judgement of a case by reading the application for a suit and by asking the participants in the court case to give explanations in regard to their requests and disagreements and it invites them to solve their conflicts through mediation if the nature of the disagreement permits mediation.

A proces-verbal, signed by the judges and the participants in the case, is drawn up for mediation.

If there is mediation, the court approves it by a decision which is not in conflict with the law and with the norms of socialist coexistence.

Article 116

The Taking and Examination of Evidence

When the matter is not resolved through mediation, the court establishes, by decision, the circumstances which must be proven and the manner of taking evidence. It has the right to take and examine any evidence which is necessary for the proper solution of the case in accordance with the provisions of this Code.

Article 117

The Modification of the Reason for the Suit

The plaintiff, in any phase of the judgement, can modify the reason for the suit if this is accepted by the court.

Also, the plaintiff, without modifying the reason for the suit, can increase, reduce, or change its object.

When the plaintiff makes the above changes in the absence of the defendant, they should be made in writing and communicated to the defendant.

A request for income from the article is not considered to be an increase in the object of the suit.

Article 118

The withdrawal from the judgement of the suit or the withdrawal of the right to bring suit.

In any phase of the judgement process the plaintiff has the right to withdraw from the judgement of the suit, if the defendant and the court are not opposed to this. In this case, it is decided to suspend the judgement.

In any phase of the judgement process the plaintiff can give up completely or partially the right to bring suit, if the court is not opposed to this. In this case the suit is dropped.

When the withdrawal of the right to bring suit is made before a court of the second level, the decision of the court of the first level is abrogated and the suit is dropped.

Article 119

The Replacement of Participants in the Court Case

When the plaintiff or the defendant dies, the judgement of the case continues through the heirs of the plaintiff or against the heirs of the defendant.

When the juridical person participating in the court case ceases to exist, the case is continued by or against the juridical person or state to which the rights and obligations of the juridical person which has ceased to exist have been transferred.

In the above cases the procedural actions taken before the replacement are valid.

Article 120

The citizen in whose interest the suit has been brought can take part in the case, in any phase of the judgement. He has the right to request the thorough examin-

ation of the matter even if the prosecutor or the persons who brought the suit withdraw from the judgement of the case.

Article 121

The court, when it observes that the suit is being brought against a person against whom it should not be brought can permit, with the consent of the plaintiff, the replacement of the defendant with the person who should be held responsible.

In cases where the plaintiff is an enterprise, institution, agricultural cooperative, or social organization which does not give its consent for the substitution of the defendant, the court, in order to protect the interests of the state, can call, on its own initiative, any person in the capacity of defendant.

After the substitution, the examination of the case starts at the beginning.

Article 122

The court, when it observes that the suit has been brought by a person who does not have a right to bring it, while not deciding to suspend the judgement, allows the replacement of the first plaintiff with a plaintiff who has the right to bring suit.

The replacement of the plaintift is done with the consent of the defendant and of the person who assumes the capacity of plaintiff in the case. In judgements for the purpose of the abrogation of orders for compensation for damages, this consent is not required.

After the substitution, the examination of the case starts at the beginning.

Article 123

The court can also permit substitution in accordance with the regulations set forth in Articles 119-122 of this Code in cases of the transfer of the right to the object of the judgement from one person to another.

Article 124

The Examination of Persons and Things and On Site Examination

When the court deems it necessary that a person or a thing be examined directly by it or that on site examination be carried out, the court itself or, as the request of the prosecutor or of participants in the court case, decides that an examination should be made with or without experts.

The examination can be made to verify other evidence.

When a person is undergoing an examination the court should act in such a way that his personal dignity is not offended.

A proces-verbal is prepared in the case of on-site examinations and any other examination which takes place outside the court.

Article 125

The Closing and Re-opening of the Examination of the Matter

When the court believes that the matter has been clarified completely it decides to close the judicial investigation and the word is given to the participants in the case and to the prosecutor. After this, it withdraws to make a decision.

The court decides to re-open the examination of a matter when, in their testimonies, the participants in the case and the prosecutor present new evidence or point out other things which are important for the proper resolution of the matter.

The re-opening of the examination of a matter also occurs in those cases where during the meeting for the purpose of handing down a decision, the conclusion is reached that other important issues should be cleared up.

Article 126

The Suspension of the Judgement Process

The court decides to suspend the judgement process when:

a) the plaintiff or the defendant dies or the juridical person ceases functioning;

b) it is considered necessary to appoint a legal representative for the participant in the court case who has lost the capacity to act;

c) the matter cannot be resolved before another civil, penal, or administrative issue is resolved;

ch) the suspension is requested by the plaintiff and the defendant;

d) a pregnant woman requests that the judgement on a divorce suit be delayed until the child is one year old.

In the cases stated in points a) and b), the suspension will continue until the person who assumes the rights of the person replaced arrives to take part in the trial. In cases stipulated in points c) and d), the judgement continues after the obstacle which caused the suspension has been eliminated or at the request of the pregnant woman.

The judgement of the case continues from the point where it was interrupted at the time of the suspension.

A special appeal or protest can be lodged against the decision to suspend the judgement process.

Article 127

The Dismissal of the Judgement

The court decides to dismiss the judgement when:

a) the plaintiff or the defendant do not ask within three months that the judgement suspended at their request be begun again;

b) the plaintiff withdraws from the judgement of the case;

c) dismissal of the judgement is specified expressly in this Code.

The dismissal of the judgement does not cancel the suit.

When the defendant brings the same suit again, the judgement starts from the beginning and the evidence collected during the discharged judgement can be taken into consideration if the court desires.

A special appeal or protest can be lodged against the decision to dismiss the judgement.

Article 128

Temporary Measures

In any phase of the judgement, the court, at the request of the plaintiff, can establish temporary measures when the purpose of the suit is a request for food, for education for minor children, for a residence for husband and wife, and for the safety of the object of the suit and the assurance of the execution of the decision.

The court also decides on temporary measures, without the request of the plaintiff, when the matter is of interest to society.

No temporary measures are taken against enterprises, institutions, agricultural cooperatives and social organizations.

Article 129

The court decides to take temporary measures after it hears the plaintiff and the defendant, however, when the matter is of an urgent nature it can decide without calling upon the defendant.

During the judgement of the case the temporary measure can be amended or withdrawn by decision of the court.

Article 130

When the decision takes final form, the temporary measure is struck down in instances where the suit is rejected while it becomes a definitive measure if the suit is accepted.

Article 131

The Making and Announcing of the Decision

At the conclusion of the judgement process the court issues a decision which provides a basic solution to the matter.

The decision is made by majority vote of the judges who have taken part in the session at which the examination of the case has been completed.

None of the judges has the right to be absent from the voting. Any judge who is in the minority has the right to present his opinion in writing; this opinion is not published but is attached to the case file.

Article 132

The decision is written by one of the judges, signed by the three judges and made public in the place of the judgement.

Article 133

After the announcement of the decision, the court cannot change or abrogate it.

The court, at the request of the prosecutor, of the participants in the court case or on its own initiative , after the plaintiff and the defendant have been called, can correct, at any time, any errors made in writing and in calculation and any apparent in accuracies in the decision.

The court, at the request of the prosecutor or of the participants in the judgement, has the right to explain or to interpret the decision which it has handed down when it is obscure.

A request for explanation or interpretation of the decision can be presented at any time until the decision is executed.

A special appeal or protest can be lodged against this decision.

Article 134

The Decision of the Court on Preventive Measures

When, duirng the examination of a case, the court discovers in the activity of enterprises, institutions, agricultural cooperatives or social organizations significant defects and shortcomings which have facilitated the violation of the law, along with the final decision, it issues a separate decision, by means of which it asks them to take the appropriate measures.

The enterprises, institutions, agricultural cooperatives and social organizations are obliged to give a response to the court within a month of the issuance of the decision on preventive measures.

B. SPECIAL JUDGEMENTS

CHAPTER VIII

JUDGEMENT IN VILLAGE, CITY AND CITY DISTRICT COURTS

Article 135

The courts of the villages, cities and city districts examine civil issues affecting citizens who live in the same village, unified village and city:

a) related to the payment of obligations of up to 1,500 leks, arising from contracts or damages;

b) related to compensation for damages in agriculture amounting to up to 1,500 leks.

Article 136

The village, city and city district courts are composed of an associate judge of the district court who has been elected in that village, city or city district, as the head of the court body, and of two social activists, as members.

The village, city or city district court in which both the plaintiff and the defendant reside has the competence to judge the civil case.

When they live in the same unified village or in different districts of a city, the case is judged by the court of the village or of the city district in which the defendnat lives.

Article 137

The judgement begins at the request of the party concerned. The request is presented in writing or it can be made orally by the appropriate associate judge.

Article 138

The associate judge collects all the necessary information for the explanation of the case and makes every effort to resolve it through mediation. For this purpose the matter can be placed before the social organizations and their assistance can be sought.

If mediation is not achieved, the associate judge sets the date of the judgement and informs the plaintiff and the defendant in regard to this, requesting that they bring pertinent evidence.

Article 139

During the judgement process, the testimonies of the plaintiff and of the defendant are heard and the evidence necessary for clarifying the matter is received. Representatives of social organizations and other persons present have the right to ask questions and to express their opinions.

A proces-verbal is compiled on the judgement process by a person designated by the court.

Article 140

In the end, the court hands down a written, reasoned decision.

The decision of the village, city or city district court is final, with the exception of a decision which is handed down in cases where the object of the suit amounts to more than 300 leks. A special protest or appeal can be lodged against these decisions in the district court.

Article 141

The district court, composed of one judge as a head and two associate judges, when it examines the appeals or protests and the requests for review of the judgement, according to Article 191 of this Code, informs the parties concerned in regard to the date and time of the judgement and, when it feels that it is necessary, it can receive evidence directly.

When the district court does not leave the decision of the village, city or city quarter court in force, it has the right to amend it or to discharge the case and its decision is final.

CHAPTER IX

JUDGEMENTS IN REGARD TO THE WITHDRAWAL OR LIMITATION OF THE ABILITY TO ACT

Article 142

The withdrawal or limitation of a person's ability to act can be requested by a spouse, by a close relative or by the prosecutor.

In the request which is presented to the district court in the place of residence of the person for whom the withdrawal or limitation of the ability to act is requested, the facts on the basis of which this request is being made and the evidence should be presented.

Article 143

The court makes a decision in regard to the request, after questioning the person for whom the withdrawal or limitation of the ability to act is being requested and his close relatives and after receiving, when necessary, other evidence and, in any case, after receiving the opinion of experts.

When the person for whom the withdrawal or limitation of the ability to act is requested is not able to appear before the court in person, he is questioned wherever he is, in accordance with the second paragraph of Article 18 of this Code. His questioning is not essential if he is confined to a psychiatric institute.

Article 144

In any phase of the judgement process the court has the right to appoint a temporary guardian for the person for whom the withdrawal or limitation of the ability to act is requested.

When the request for the withdrawal or limitation of the ability to act is accepted, the organ of guardianship is not notified.

Article 145

An appeal can be made against the decision handed down in connection with the request for the withdrawal or limitation of the ability to act by the participants in the court case, by persons who have the right to seek the withdrawal of the ability to act, and by the guardian and there can be a protest on the part of the prosecutor.

Article 146

The regulations stated in the articles of this chapter also pertain in regard to the restoration of the ability to act.

A summary of the decision by which the ability to act is withdrawn, limited or returned, after it has taken final form, is sent to the office of Legal Statistics in the Supreme Court. These decisions are recorded in a special register where anyone who is interested can get information about them.

CHAPTER X

PROCLAIMING A PERSON AS MISSING

Article 147

The proclaiming of a person as missing is requested by the prosecutor, by the person's spouse or by his close relatives.

A summary of the request is published in a conspicious place by the court and by the people's council of the place where the missing person last resided.

Article 148

The court examines the case no earlier than one month after the completion of the actions specified in Article 147/II of this Code.

In the examination of the request, individuals close to the person are questioned and information requested about this person from the peoples council of the place where he last resided, the People's Police and any other source is utilized.

The spouse or a close relative can appeal the decision declaring a person missing and the prosecutor can protest it.

Article 149

The decision which proclaims a person to be missing is sent to the executive committee of the people's council which has the Office of Vital Statistics in which this person is registered, so that the appropriate notes can be made.

Article 150

The court also examines the request for the modification or abrogation of the decision which has declared a person to be missing.

The judgement takes place in accordance with the regulations set forth in this chapter, summoning the persons mentioned in Article 147 and also the persons who have benefitted from the proclaiming of the person as missing.

CHAPTER XI

DISTRIBUTION BY THE COURT

Article 151

The distribution of articles held under joint ownership, when the joint owners do not agree in regard to their distribution, is executed by the court at the request of one of the joint owners, against all the other joint owners.

Article 152

The court, after hearing the participants in the court case and receiving evidence in regard to their right to share in the distribution and in regard to the articles for which distribution is requested, issues, first of all, a decision by means of which he permits the distribution, naming the articles which will be distributed, the persons among whom they will be distributed and the portion to be given to each one. This decision can be appealed or protested. If the participants in the court case state before the court that they are not appealing this decision and the prosecutor who participates in the judgement of the case does not file a protest, then the judgement process for the distribution of the articles continues.

Any prosecutor who has not participated in the handing down of the decision in the first phase of the distribution has the right to protest the decision, together with the final decision.

Article 153

The court examines and decides in regard to the requests which the joint owners might have and in regard to the accountings which they must give to each other because of relationships of joint ownership.

The appraisal of the articles is done by experts.

The shares are set up, including in each one of them articles of the same nature and quality, with a value which is equal to the share which belongs to each joint

owner. Any inequality which might be created as a result of this separation is eliminated by compensation in cash.

Article 154

When one of the jointly-owned articles cannot be divided, the court awards it to the joint owner who asks for it. If several joint owners ask for it then the court gives it to the joint owner who has the most need for the article.

When one of the joint owners asks for the article which cannot be divided, the court suspends the judgement of the case while the article remains in joint ownership.

By a decision of distribution the court orders the appropriate handing over of articles.

When the article which is being divided is a residence, the court, in special cases, cannot order the handing over of the portions in the proper manner. Persons who will continue to use this housing space are placed in the position of tenants.

CHAPTER XII

THE JUDICIAL VERIFICATION OF THE FACTS

Article 155

When the creation, modification or cancellation of personal or property rights depends upon the fact of employment in enterprises, institutions or social organizations, on membership in an agricultural cooperative, on the correction of acts of civil statistics and the release of proof of inheritance and the necessary document cannot be obtained in any other way or it has been destroyed or lost and cannot be obtained again, the person to whom these rights belong can request that the fact be proven by decision of the district court.

A request for the verification of facts is presented in the court of the district where the requestor resides. The court, when it is asked to verify the fact that the person is in a work relationship, transfers the judgement of the case to the people's court where the work center is located.

Article 156

In the request for the verification of facts, the following should be stated:

a) the reason why the requestor is presenting the request;

b) the reasons why the document cannot be obtained or cannot be produced again;

c) evidence which will prove the fact for which proof is requested and the reason why it is not possible to obtain the document or to produce it again.

Article 157

The request for the verification of facts is examined in court session, with the summoning of the requestor and the enterprises, institutions, agricultural cooperatives or social organizations which are interested in the execution of the request.

Article 158

The decision to accept or to reject the request can be appealed both by the requestor and by interested parties who have been summoned to take part in the examination of the case and the prosecutor can lodge a protest.

Article 159

When a conflict arises, during the examination of a request, between the requestor and another interested party on the right to verify a fact, the court decides to dismiss the judgement of the case. In this situation the interested parties can bring a suit before the court according to the general regulations.

C. JUDGEMENT ON THE SECOND LEVEL

CHAPTER XIII

APPEAL AGAINST DECISIONS

Article 160

Appeal Against Final Decisions

An appeal or protest against final decisions, with the exception of decisions of the Supreme Court, can be made in the judicial council of the district court or in the Supreme Court.

Article 161

Each one of the participants in the case can present an appeal only for violation of his rights and interests. The prosecutor can also lodge a protest in the interest of all the participants in the judgement process. The protest can also be presented directly by the highest prosecutor.

Article 162

The Deadline for the Appeal and Protest

The deadline for the appeal and protest is 10 days from the day after the proclamation of the decision.

When the case has been judged in the absence of the plaintiff or of the defendant, the appeal of the decision is presented within 10 days of the date on which the decision was communicated.

The court which issued the decision, after receiving the appeal or protest, sends a copy to the other participants in the court case and, after the communicated documents are returned, the case is sent to the second level court.

Article 163

When the prosecutor or the participants in the court case miss the deadline for the filing of an appeal or protest, for justifiable reasons, they have the right to present a request for the re-instatement of the deadline to the court which handed down the decision, and this court examines this request. The decision is final.

Article 164

The Court Which Examines Appeals and Protests

The Civil Collegium of the Supreme Court examines a protest and appeal against a final decision of the district court on cases connected with:

a) suits for divorce and for annulments of marriages;

b) paternity suits;

c) suits in which one party is an enterprise, institution, agricultural cooperative or social organization, when the value of the suit is higher than 10,000 leks;

ch) damage suits and illegal profits suits when the value of the suit is greater than 10,000 leks;

d) suits for conflicts in regard to property which arise from contracts between agricultural cooperatives and between agricultural cooperatives and enterprises, institutions and social organizations.

Protests and appeals against final decisions of the district courts, for all other matters, are examined at the second level by the judicial council of the district court.

Article 165

Deadlines for the Examination of the Case

The examination of the case at the second level takes place within a month of the date that the matter was brought for judgement in the second level court. For matters in the competence of the judicial council of the district court, this period begins with the date of the communication of the protest or appeal.

The notification of the date and time of the examination of the case is done by the second level court by the publication of the list no later than five days before the examination.

Article 166

The Examination of the Matter at the Second Level

The examination of the matter at the second level takes place in court session and begins with the presentation of the circumstances of the court case by the president or one of the members of the judicial body. After this, the appeal or protest is read and the participants in the case and the prosecutor are heard, when they are present.

The absence of the participants in the case or of the prosecutor does not stop the examination of the case.

The examination of the case at the second level can also take place in work and residential centers in the presence of workers' collectives.

Article 167

With Withdrawal of the Appeal and Protest

The appeal or protest can be withdrawn before the examination of the case begins. A prosecutor at a higher level can withdraw a protest presented by a prosecutor at a lower level. Under these circumstances, the lower level court decides to dismiss judgement at the second level.

Article 168

Monitoring the Justifiability and Legality of the Decision

The second level court monitors the justifiability and legality of the decision handed down by the first level court on the basis of the evidence presented during the judgement of the case.

The prosecutor or the participants in the case have the right to present new material and written evidence.

Article 169

Limits in the Examination of a Case

The second level court examines the matter in its entirety and is not confined solely to the material presented in the appeal or the protest. It examines the matter on behalf of other participants in the case who have not appealed the decision and it examines those parts of the decision which were not protested.

Article 170

The Manner of Resolving a Case

The second level court, after examining the case, decides:

a) to leave the decision in force;

b) to abrogate the decision and to send the case for re-judgement in that court by another body of judges and, in the impossible case that the decision has been abrogated because of the violation of procedural regulations or because of the erroneous enactment of the law, by a different body of judges, or to send it to another court when this is permitted by the provisions of this Code;

c) to abrogate the decision and dismiss the judgement;

ch) to amend the decision.

Article 171

Reasons for Abrogating a Decision

The following are reasons for abrogating a decision:

a) the fact that the decision has no basis in regard to the evidence and the law;

b) the serious violation of procedural norms.

The decision is abrogated solely for serious procedural violations when:

a) the composition of the judicial body is not in order;

b) the court, although the conditions specified in this Code existed, did not decide to dismiss the judging of the case;

c) the case has been judged in the absence of participants in the court case and without their being informed of the date of the judgement;

ch) the decision does not respond to the fundamental demands set forth by this Code.

Article 172

The second level court, when it sees that the provisions in regard to competency have been violated, abrogates the decision and sends the matter to the competent court.

When the court, in regard to a matter which is not in its jurisdiction, has handed down a correct decision without exceeding the competencies of the court to whom the case belongs, the second level court has the right not to abrogate the decision. It informs the appropriate court of the shortcomings permitted in its decision.

Article 173

When the second level court finds that the case does not fall within the jurisdiction of the courts and when the suit cannot be brought or the judgement cannot continue, it abrogates the decision and decides to dismiss the judgement of the case.

Article 174

The second level court resolves the case itself and does not submit it for re-judging in cases where action has not been taken in accordance with the law, and when the decision is not compatible with the circumstances noted by the first level court and there is no need to get new evidence.

Article 175

The decision handed down by the second level court, by which the decision of the first level court is abrogated, should state the legal provision which has been violated and the reason why this violation is considered to be serious.

Article 176

The second level court, in its decision, makes the necessary comments on the errors and shortcomings noted in the first examination of the case.

The instructions of the second level court, when it abrogates the decision in regard to the inadequacy and irregularity of the investigation of the case, the violation of procedural regulations, or the erroneous implementation of the law, are binding on the court which will re-judge the case.

The first level court, after executing these orders, makes a decision according to its conviction.

Article 177

Appeal and Protest of Non-final Decisions

Decisions which are handed down by the judge alone or by the court and which are not final, can be amended or withdrawn during the judgement process. These decisions can be appealed or protested only together with the final decision.

However, a special protest or appeal can be lodged in the second level court against non-final decisions expressly specified in this Code. The deadline for the special protest or appeal is five days from the date of the proclamation of the decision or from the date of its communication to the plaintiff or the defendant when the decision has been handed down in absentia.

Article 178

The special protest or appeal is examined by the second level court without summoning the participants in the court case, with the exception of cases when the court believes that it is necessary that the case be examined in court session. After examining the special protest or appeal, the court decides whether to leave the decision in force or to amend it, while resolving the matter which prompted the appeal or protest.

CHAPTER XIV

FINAL DECISIONS

e decision of the court becomes final when no appeal or protest is made by the adline.

A decision against which an appeal or protest is made becomes final at the moment which the second level court leaves it in force, amends it or suspends judgement on the second level.

A decision against which no appeal or protest is permitted becomes final as soon as it is proclaimed.

Article 180

A decision which has become final is binding for all participants in the court case, for persons who received benefits from them, for the court which issues the decision, and for all other courts and institutions.

A decision which has become final has power in regard to what has been decided among the same participants in the case, for the same purpose and for the same reason.

A case which has been resolved by a final decision cannot be judged again, except when the law provides otherwise.

Article 181

Proces-verbals which approve mediation in the manner prescribed in Articles 84/III and 93 of this Code are equal in force to a final decision.

They can be amended under the circumstances specified by the third paragraph of Article 180 of this Code.

Also, these proces-verbals can challenge executive title.

CH. VERIFICATION OF FINAL DECISIONS

CHAPTER XV

REQUEST FOR THE PROTECTION OF THE LAW

Article 182

A request for the protection of the law is brought against the final decision when it is established that the decision does not have sufficient basis or additional information comes to indicate this fact.

The president of the Supreme Court and the public prosecutor have the right to make a request for the protection of the law.

Article 183

A request for the protection of the law cannot be presented against decisions by which the dissolution or invalidation of a marriage has been decided.

A request for the protection of the law can be made in regard to these decisions only in the portion which specifies the guilty spouse.

Article 184

Deadlines for Presenting the Request for the Protection of the Law

A request for the protection of the law can be presented at any time.

If the decision has been executed, a request for the protection of the law can be presented within a year of the date of its execution.

The participants in the case are informed of the request for the protection of the law.

Article 185

The Right to Suspend the Execution of a Decision

The president of the Supreme Court and the public prosecutor have the right to order the suspension of the execution of a decision which has become final, up to two months. The order of suspension interrupts the continuation of the execution of the decision.

Article 186

The Court Which Examines the Request for the Protection of the Law

The request for the protection of the law is examined by the Civil Collegium of the Supreme Court.

The plenum of the Supreme Court examines requests brought against decisions of the Civil Collegium of the Supreme Court.

Article 187

The examination of the request for the protection of the law takes place in accordance with norms for the examination of cases on the second level, as well as instances in which no special regulations are stipulated in this regard.

Article 188

The Examination of the Case in the Plenum of the Supreme Court

The public prosecutor takes part in the plenum of the Supreme Court when requests for the protection of the law are being examined. Participants in the court case

are summoned when the Plenum deems it necessary. The examination begins with the presentation of the request for the protection of the law and then, after discussions take place and the public prosecutor gives his opinion, the Plenum hands down a decision.

More than one-half the members of the Supreme Court must take part in the Plenum. The decisions are made by a simple majority of the votes.

Article 189

The Resolution of a Case by the Civil Collegium or Plenum of the Supreme Court

The Plenum or Civil Collegium of the Supreme Court, after examining the case, decides:

a) to leave the decision in force;

b) to abrogate decisions of the first level court, decisions which might be issued later, and to send the case for re-judging or to suspend the judgement of the case;

c) to amend the decision of the first level court and decisions which might be issued later;

ch) to abrogate decisions of the second level court and to leave in force or amend the decision of the first level court;

d) to abrogate the decision of the second level court and decisions which might be issued later and to send the case for re-judging to the second level court;

dh) to abrogate the decision handed down in regard to the request for the protection of the law and to leave in force or amend the decision of the first level court and that of the second level court.

Article 190

Effects of the Abrogation of an Unjust Decision Which Has Been Executed Completely or Partially

When the new decision which is handed down after the abrogation is different from the first decision which has been executed completely or partially, the person who has benefitted is obliged to return all the profits which he has received from the execution of the decision.

Sums of money paid to a worker, as a result of work relations, or sums received from the execution of decisions regarding food obligations are sought only when the decision abrogated is based on false documents presented by the person who benefitted from the execution of the decision.

Article 191

A Request for Review of Decisions of the Village, City and City District Courts

The prosecutor or the president of the district court can make a request for review by the district court of final decisions of the village, city, and city district courts which have not been examined on the second level.

This request can be presented within a year of the handing down of the decision and it is judged in accordance with the regulations specified in Article 141 of this Code.

D. THE OBLIGATORY EXECUTION OF COURT DECISIONS AND OF OTHER EXECUTIVE TITLES

CHAPTER XVI

THE ACTIONS OF THE EXECUTOR TO INITIATE OBLIGATORY EXECUTION

Article 192

The court executor begins the execution of the decision at the request of the person concerned and of the prosecutor in matters about which he has brought suit in the event that the obligation is not fulfilled voluntarily.

In cases in which the creditors are enterprises, institutions, agricultural cooperatives or social organizations, the execution can begin at the initiative of the executor himself.

The court executor makes every effort to assure the voluntary execution of the obligation. For this purpose he cooperates with and seeks the assistance of the peoples councils and of the social organizations, using the method of persuasion, aiming at the fulfillment of the obligation by the debtor.

Article 193

If, ten days have elapsed from the time that the executor has noticed the debtor about the voluntary execution of the obligation and the debtor has not executed his obligation voluntarily, the executor effects obligatory execution in accordance with the provisions of this chapter.

The executor, on the basis of a justified decision, can initiate obligatory execution without respect for these requirements when the setting of a deadline makes the execution of the obligation difficult or impossible.

Article 194

The person concerned should present to the court executor, along with the request, a copy of the court decision which is to be executed.

The request for execution is presented to the court executor of the place where the person under obligation resides. When the place of residence of this person

is not known, the court which has handed down the decision, at the request of the interested party, names a representative for the person under obligation.

In instances when it is necessary to carry out executing actions in another district, the court executor sends the case to the executing office where the actions should be carried out.

Conflicts over competency are not permitted.

Article 195

The execution can also take place, under conditions accepted in the law, both against the guarantor and against the heirs of the person under obligation.

When it is necessary, the court executor can open up the residence of the person under obligation, in the presence of a member of the people's council of the place where the residence is located.

The organs of the People's Police are obliged to give their assistance when the court executor requests it.

The court executor prepares a proces-verbal for each action.

Article 196

When a number of creditors share in an obligation, the executor executes the obligation on a proportional basis, according to their credits.

The obligation to provide food is fulfilled completely before any other obligation.

Article 197

The Expenses for Obligatory Execution

The expenses incurred during the execution are paid by the creditor and are refunded to him when they are exacted from the person under obligation.

Article 198

The Obligatory Execution of Executive Titles

Obligatory execution, in accordance with regulations set forth in this chapter is also effected for executive titles which, by special provisions, are left to the court executor for execution.

Article 199

The Execution of Monetary Obligations Against Citizens

When the obligation of the citizens is of a monetary nature, the obligatory execution is carried out through the confiscation, according to the case, of the wages

of the person under obligation, of his credit, his moveable possessions, and his real estate.

When his wages and any other compensation such as, stipends and pensions or income from work in a agricultural cooperative, are confiscated, up to one-half of this money is withheld.

Article 200

Execution of Monetary Obligations Against Juridical Persons

The execution of monetary obligations for enterprises, institutions, agricultural cooperatives and social organizations is carried out by the bank on the account of the debtor to the extent necessary to fulfill the obligation.

The execution of a monetary obligation against enterprises, institutions, agricultural cooperatives and social organizations for credits of citizens is effected by the confiscation of their accounts by the bank.

Article 201

Execution of the Obligation of the Delivery of Goods

When the court decision includes the obligation to deliver an article which is mentioned by name, the court executor executes the obligation by delivering this article.

When the article which will be delivered is not in the possession of the debtor or is broken or only a part of it is in the possession of the debtor, the court executor takes the value of the article or of the missing part and gives it to the creditor.

When the court, in its decision, has not specified the value of the article the court executor determines it with the help of experts.

Article 202

The Execution of the Obligation to Carry out a Specified Activity

The obligation to carry out a specified activity is executed by the court executor. When the debtor does not fulfill his obligation in regard to the carrying out of a specified activity, the creditor can ask the court executor to give him permission to carry out this activity himself at the debtor's expense.

Articles 203

Actions of the Executor in the Area of Confiscation

The confiscatic [illegible]eable articles takes place by taking inventory of them, listing their main [illegible]ristics, and their value is determined with the help of experts. These a.t[illegible]s can be in the possession of the debtor or of another person.

The confiscation of real estate takes place with the notification of the appropriate organs which are charged with the registration of this property.

Article 204

Valuables, such as gold, silver, platinum, etc and foreign currency, documents for hard currency payments and foreign titles of value are given by the court executor to the Albanian State Bank for safekeeping.

Article 205

From the time of the confiscation, persons who have the articles and credits in their possession do not have the right to alter them, the damage them or to do away with them.

Actions for the purpose of preventing execution are punished in accordance with Article 211 of the Penal Code.

Article 206

Articles which are taken for the purpose of the execution, are given for sale to specified state organs which sell them and their equivalent value is deposited in the bank in the account of the executing office. If the articles are not sold and the creditor does not agree to take them as settlement of the obligation, they are returned to the debtor.

Real estate can also be put up for sale.

Article 207

The confiscation of the credit of the debtor and of the things which third parties owe to the debtor takes place with the notification of the confiscation to the third party and the debtor--by the court executor, in writing.

After he has been notified of the confiscation, the third party is prohibited from handling over to the debtor any credit and articles which have been confiscated. The third person is responsible for their safekeeping as of the date that he receives notification of the confiscation.

When the third party does not agree that the credit or the articles belong to the debtor, the process of compulsory execution in regard to them cannot continue and the creditor must bring suit to prove that the credits of the things in the possession of the third party belong to the debtor.

Article 208

When the execution process takes place in regard to things which are jointly owned by the debtor and other persons, and an agreement is reached between the co-owners not to separate the part belonging to the debtor, the court executor presents the proces-verbal to the district court in the place of the execution which determines and separates the portion which belongs to the debtor, according to regulations set

forth in the articles of this Code. The execution by court executor takes place in regard to this portion.

Article 209

The confiscation of wages or of income from work as a member of an agricultural cooperative takes place on the basic of notification which is given by the court executor to the enterprise, institution, agricultural cooperative or social organization where the debtor works.

When the debtor changes his place of work, the notification of confiscation is sent to the new work place by the enterprise, institution, agricultural cooperative or social organization where he worked before and it is considered to be sent by the court executor should be informed within 5 days.

Article 210

In all cases, the proces-verbal for the confiscation is written up in the presence of the person under obligation and, in his absence, in the presence of an adult member of his family. If there is no adult member of the person's family present, a member of the people's council in the place of residence of the debtor and two witnesses must be present.

The court executor, when the need arises, excludes from the confiscation any articles which are proven to belong to other persons.

Article 211

Credits which are paid with preference by the Albanian State Bank and their rank and things belonging to the debtor which cannot be confiscated are stipulated by special provisions.

The Albanian State Bank issues special orders for the execution of these acts.

The actions of the Bank in regard to execution can be challenged in its superior organ.

Article 212

Actions of the Executor for the Vacating of Housing Space

When, according to court decision, rented residential quarters must be vacated, on the condition that the tenant will be provided other living quarters, the court executor gives written notification to the executive committee of the appropriate people's council so that the tenant will be provided other housing.

The executive committee of the people's council must find housing for the tenant, and under no circumstances, no later than one year.

When the executive committee finds the housing space and the tenant does not leave, the decision is executed in a compulsory manner by the court executor.

The same procedure holds true for court decisions related to the vacating of residences occupied by husband and wife, when other housing must be provided for the spouse and when he does not use it, without legitimate reason, for more than 6 months.

Article 213

Measures Which the Executor Takes

The court executor has the right to penalize the following with fines of up to 500 leks:

a) employees of enterprises, institutions, agricultural cooperatives or social organizations when they do not carry out the order of the court executor to withhold the wages of the debtor, when they do not report that the debtor has left his job and when they do not inform the new place of employment of the debtor so that the withholdings will continue and the obligation will be paid off;

b) a person under obligation by judicial decision who does the opposite to what he is obligated to do by the decision;

c) a person under obligation by judicial decision who does not do what he has been obligated to do.

Persons who have been fined can appeal to the president of the district court and the decision of this court is final.

Article 214

The Challenging of the Actions of the Executor

The creditor or debtor can make an appeal to the district court against the actions of the court executor or against his refusal to carry out a decision, within 5 days of the action or of the refusal.

Article 215

The debtor can request, in the district court of the place of execution, that the court decision or any other executive title be declared invalid or he can prove the obligation does not exist, that it exists to a lesser extent or that it was subsequently cancelled.

When a court decision is being executed the debtor can challenge the execution only because of things which have occurred after its issuance.

The third party who is the owner of the article in regard to which the execution is being carried out, can ask the district court of the place of execution, by means of a suit against the creditor and debtor, to exclude the article from confiscation, when his right of ownership is proven.

The debtor and the creditor can challenge the proces-verbal of mediation signed by the legal counsellor or by the judge, when mediation is in conflict with the law.

Article 216

The debtor and the creditor are summoned to the judgement when these matters are examined by the court.

An appeal against the actions or refusal of the court executor does not suspend the execution, except when the court decides otherwise. When the presecutor protests the actions of the executor, the execution process is suspended.

The decision of the court is final.

Article 217

The Suspension of the Execution

The execution by the court executor is suspended:

a) by decision of the court;

b) at the request of the creditor;

c) when one of the parties dies;

ch) when specified expressly in this Code.

An appeal or protest can be brought against this decision in accordance with the regulations specified in Articles 214-216 of this Code.

Article 218

The Dismissal of the Execution

The execution of the decision is dismissed when:

a) the obligation is executed completely;

b) the creditor withdraws the obligation, in writing;

c) the decision of executive title being executed is abrogated;

ch) the person under obligation does not have confiscated income or assets.

When it is decided to dismiss the execution in accordance with point ch of this article, the court executor returns to the creditor the decision placed into execution, informing him that he can put it back into execution within the period of the statute of limitations.

The court executor dismisses the execution of decisions with the obligation of providing food when the children benefitting from this obligation reach the specified age or become employed before they reach this age.

An appeal or protest can be made against this decision in accordance with the regulations stated in Articles 214-216 of this Code.

Article 219

The Control of the Prosecutor Over the Execution of Decisions

The prosecutor has the right to exercise control over the legality of the execution of decisions.

THE OFFICE OF THE NOTARY

CHAPTER XVII

NOTARIAL ACTS AND ACTIONS

Article 220

Notarial acts and actions are executed in the offices of legal assistance by the legal counsellor charged with this duty.

When the legal counsellor is absent or cannot execute the notarial act or action, the president of the Supreme Court orders that this task be carried out by a judge of the district court.

Notarial acts and actions outside the country, for reasons stated in special provisions, are executed by diplomatic or consular representatives of the People's Socialist Republic of Albania.

Article 221

The legal counsellor charged with notary duties prepares and keeps notarial documents on the signing of contracts and on the execution of other juridicial actions which have not been assigned to other state organs by provisions.

The legal counsellor executes other actions and, in particular, validates signatures placed on non-official documents, executes or certifies translations from one language to another, takes inventory, determines and describes the condition of articles, when this is requested by the party concerned and has juridical implications, he provides copies, summaries and certifications of various acts and documents at the request of the parties concerned or on the basis of the law.

Article 222

A person charged with notary duties cannot execute notarial acts or actions which contain provisions which benefit him, his spouse and his family members.

The legal counsellor is obliged to protect the secrecy of the acts and actions executed by him. Copies, summaries, and certifications are issued only to persons who have participated in the act or in whose interest the act has been executed, to the courts or the investigative organs, and to other persons in cases stipulated expressly by the law.

Article 223

When the legal counsellor charged with notary duties refuses to execute a notarial act or action he should inform the party concerned, in writing, in regard to the reasons for the refusal. The party concerned can make an appeal to the district court within five days of notification of the refusal. The appeal is examined in the judicial council. The decision handed down is final.

Article 224

Notarial acts which include obligations for the payment of money are executive titles.

A notarial act or action is invalid when it is conflict with this Code, with the order "On the Office of the Notary" and with any other legal provision.

Article 225

The manner execution of notarial acts and actions, the safe-keeping of these acts and the appropriate documentation are stipulated by order of the Supreme Court.

CHAPTER XVIII

TEMPORARY AND FINAL PROVISIONS

Article 226

Cases of judicial certification of juridical facts, which at the time that this Code goes into effect are being judged at the first or second level, even though they include some matters which do not enter into the competency of the courts, will continue to be judged.

Article 227

Law No 2626, of 17 March 1958, "On the Code of Civil Procedure," with all subsequent changes; Decree No 4838, of 11 May 1971 "On the Office of the Notary"; Decree No 5125 of 4 December 1973 "On the Residential Right of Spouses in the Case of Divorce" and any other provision which conflicts with this Code are abrogated with the entry into effect of this Code.

Article 228

This Code goes into effect on 1 January 1982.

Tirana, 27 June 1981

Law No 6341

CSO: 2100/22

TRADE UNIONS PREPARE FOR CONGRESS IN HAVANA

Prague PRACE in Czech 23 Oct 81 p 2

[Excerpts from the report of the presidium of the Central Council of Trade Unions--URO presented to the 13th Plenary Session of the URO by council secretary V. Kozik]

[Text] Honored comrades:

Our 13th Plenary Session is taking place at a time when our members, acting within the forums of their union locals and their annual membership meetings and conferences, have actively embarked upon preparations for the 10th All-Trade Unions Congress.

As was pointed out by Comrade K. Hoffman at the 12th Plenary Session of the URO, preparations for the 10th All-Trade Unions Congress are tantamount to the full-scale mobilization of the entire movement, which is giving a full account of its class, revolutionary, democratic, and internationalist character. The 10th congress will not only be an important domestic political event, rather it will also be an important international event. Preparations for our own all-trade unions congress are coinciding with intensive preparations for the 10th World Congress of Trade Unions. Our ROH [Revolutionary Trade Union Movement] is totally committed to assisting with this precongress planning work, namely, by way of its direct assistance with the substantive, political and organizational preparations and also by way of the whole range of activities it is pursuing on the international front and the fulfillment of its internationalist obligations. Through the concrete actions which they are taking, trade unionists are giving expression to their political convictions, strengthening socialism, and fighting against all of those who are hurting the interests of the working people and endangering the peaceful future of mankind.

Permit me, comrades, to inform you on behalf of the presidium of the URO about the role of the ROH in preparations for the 10th World Congress of Trade Unions.

These congress proceedings, which will be an event of extraordinary political importance, will take place in February of next year in the capital city of Cuba. This congress will be taking place at a time when working people are being confronted with a whole host of complex and pressing problems which are being created by the deepening crisis of capitalism and the arms race unleashed by the Reagan administration.

The current deep and global crisis of capitalist society is dispelling illusions about some kind of social partnership. The gaps separating different social classes are widening and the conflict between labor and capital is worsening. The present phase of this crisis is marked by the growing pressure being applied by working people in order to improve their living standards and by their increasingly stronger efforts aimed at bringing about far-reaching structural changes in capitalist society and eliminating the threat of war.

Based on their own experience, working people are becoming more and more convinced of the advantages of a socialist social system. They look upon socialism as a solution to the problem of meeting all of their social security needs and as a guarantee of a certain future of world peace. Throughout the world hundreds of thousands of people are declaring their support for the peace policy of the Soviet Union, a policy which was further elaborated upon by the 26th CPSU Congress, and for the whole package of Soviet peace initiatives, among which mention should be made of the draft declaration on averting nuclear catastrophe, submitted to the UN General Assembly, a declaration which asserts that nations and national leaders that would resort to the first use of nuclear weapons would be guilty of having committed a most grievous crime against humanity.

The deteriorating international political situation confronts the trade union movement with the urgent necessity of dedicating itself with even greater resolve to the struggle for a better future for all working people, for a world without war. This is also the position of the WFTU. During the precongress period the VFTU has issued an appeal to working people affiliated with its member trade union organizations and the members of the other two international trade union centers--the ICFTU and the World Confederation of Labor [MOS]--calling upon them to set aside their philosophical differences to do everything in their power to promote the relaxation of international tensions and disarmament, to spare no pains in the drive to prevent nuclear catastraphe.

In all of its practical action programs, the WFTU is doing more than just direct the attention of working people to this acute danger, rather it is taking concrete steps to mobilize opposition to the sources of this danger, that is, the multinational arms monopolists.

As was borne out by the plenary session of the General Council of the WFTU and the platform which it drew up in preparation for the 10th World Congress of Trade Unions, the fight for peace and disarmament is the most important task now facing the trade union movement. On all continents the voice of the working people has to be heard more loudly than ever as an important factor in the shaping of public opinion and in the making of a commitment to put a stop to this dangerous tendency while there is still time to do so. We have to isolate the warmongers and practitioners of brinksmanship and expose the cynicism and hypocrisy of political brinksmen like Reagan and Thatcher and other spokesmen for the arms monopolies.

We must work together to mount an even stronger effort to stand up to the forces of international capitalism who are more and more promoting a campaign of ideological sabotage against progressive forces throughout the world, increasing their military budgets, and stepping up their efforts to interfere in the internal affairs of sovereign nations. Reagan recently gave the order to start work on the manufacture of neutron weapons in an attempt to shift the focal point of a nuclear conflict onto European soil. This barbaric decision represents a mortal threat to civilization and to all mankind.

This is the reason why the further strengthening of the solidarity of working people, the reinforcement of all of those things which bind the international trade union movement together and thwarting all attempts to divide it are such vitally important items on our agenda. And there are plenty of signs of attempts to sow discord in the international trade union movement. They show up in various guises, in the curtailment of trade union rights, in the discrimination and persecution of progressive trade unionists, in crude attempts to split the working people away from their trade unions. The stronger the opposition of working people throughout the world to the further spread of war hysteria and the senseless acceleration of the arms race, the louder the voices expressing a firm resolve to live in peace, and the more attractive socialism becomes to the masses of working people, the more imperialist circles continue to promote campaigns dedicated to weakening the unity of the socialist community, launch offensives against individual countries, and finance campaigns of subversion and a whole host of forms of ideological sabotage. What we are dealing with here is a blatant attempt to break up and destablize the socialist system. One example of these malevolent plans is the seditious activities of counterrevolutionary forces in Poland. Everything that has happened up until now in this country bears out the truth of the position which we have taken, as expressed by Comrade K. Hoffman at last year's 10th Plenary Session of the URO. The real interests and goals of the leaders of so-called Solidarity are deeply at odds with the objective interests of the working people. The only thing that remains to be said in addition to this assessment is that since that time nothing has changed for the better, but rather for the worse. This is confirmed by the overall outcome of the Solidarity congress. The so-called "message to the peoples of Eastern Europe" that was endorsed by this congress is tantamount to a crude, presumptuous provocation and a gross interference in the internal affairs of these nations. What do the Solidarity leaders have in mind for the peoples of Eastern Europe? They are trying to set up their program of destruction, chaos, uncertainty, threats and violence as an example, they want to send instructions to our countries on how to undermine the foundations of the socialist economy. The working people of Czechoslovakia, based on the long-standing revolutionary traditions of our trade unions, the unity which they achieved in 1945, and the lessons learned over more than 30 years of their participation in the building of socialism in our country, bitterly--as has been documented by thousands of aktiv caucuses and meetings--and categorically repudiate this pamphlet, since they are convinced by their own experience that any slackening in their unity has always worked against their most vital interests. We support true Marxist-Leninist forces, the working class, honest working people, and all true advocates of socialism in their drive to fend off the attacks of reactionary forces, to find solutions to long-festering problems, and to consolidate the socialist social order. It is on this basis, inspired by the views and firm support of our members, that we are promoting cooperation between our ROH and the National Commission for Cooperation With the Industrywide Trade Unions of the Polish People's Republic. We specifically reaffirmed our support for this kind of cooperation during a recent meeting with our Polish comrades in Ostrava at the begiening of October.

Honored comrades, everything that has been said thus far is by way of a description of the general framework within which we are proceeding to assist with preparations for the 10th World Congress of Trade Unions. Our support for the WFTU and the progressive peace movement of the working people is manifested first and foremost in our energetic international action programs. The URO, through its initiatives and hard

work, is making a contribution to all of the programs that are being carried on by the WFTU and its agencies. The URO is working tirelessly to advance the militancy and to promote the activism, quality, flexibility and effectiveness of the WFTU's programs. Similarly, we are taking part in all of its international projects and negotiations. As we carry on with our efforts dedicated to strengthening the solidarity of the world trade union movement we are at the same time, on the basis of the specific lessons we have learned, our steady progress, and the results of our labors, building up a record that demonstrates the status and accomplishments of trade unions in a socialist society.

With regard to the work we are doing on the international scene, I would like to call your attention to some important international projects to which our own ROH is also making a significant contribution.

First of all, there are the preparations for the World Trade Union Conference on the Social and Economic Aspects of Disarmament. We took part in the deliberations of the "trade unionists' roundtable" that were held as part of the International Parliament of Nations for Peace in Sofia in 1980. This is where the idea for organizing such a conference originated. We were members of the task force which came up with the idea of convening such a conference. This task force has been hard at work ever since and has been holding meetings in Lisbon and Paris. In September, we hosted the first meeting of the conference's international planning committee in Prague, a meeting which was attended by the representatives of national and international trade union organizations from more than 30 socialist, capitalist, and developing countries.

The international planning committee met to discuss not only organizational matters, but also, and most importantly, the policy issues to be addressed by the conference and the conference's substantive orientation and objectives, concerns which were supposed to be expressed in the conference platform. In all of the planning work that went into this conference and into the documents which it is to endorse, we have laid stress on and taken as our point of departure those issues on which the world trade union movement is united, that is, the fight to preserve peace, the fight to put a stop to the dangerous and senseless arms race which in all countries is swallowing up immense resources that could otherwise be used for peaceful purposes in the interests of the working people and for social and economic progress.

In this connection emphasis was placed on the interdependence of unemployment and growing expenditures on armaments and the impact of the arms race on the slowdown in progress toward overcoming the economic backwardness of most developing countries and toward the normalization of relations between countries with different economic systems.

This brief account is a clear indication not only of the importance of this conference, which will take place from 15 to 17 December of this year in Paris, but also of the fact that these proceedings will lend impetus on a broad front to the trade union movement and will signal a further upsurge in the common struggle of the working people for peace and disarmament. Another important event is the Fourth European Conference of Trade Unions dedicated to a discussion of the theme "New Technology, Innovation and Their Impact on Working Conditions and Employment." This conference will take place next month in Geneva. Just like the other socialist countries, we too have something to contribute to this conference. We plan to highlight the social

aspects of the development process and the harnessing of the benefits of the scientific and technical revolution under the conditions that prevail in a socialist social order. We will be going to Geneva with ideas and proposals dedicated to the further strengthening of cooperation among European trade unions, on both bilateral and multilateral levels, and on how further progress can be achieved through the cooperation of the European trade union movement. We believe that these ideas and proposals will be well received, especially by those representatives of the Western European trade unions who understand and are ready to defend the vital interests of their members.

As far as preparations for the congress are concerned, in view of the profound changes which have taken place since the Ninth World Congress of Trade Unions, there are some exceptionally challenging tasks which will have to be addressed. In this connection, we support the efforts of the WFTU aimed at reforming the organizational structure of the WFTU and upgrading the quality of its administrative apparatus in an effort to bolster the WFTU's political and organizational programs. At the same time, we realize that the accomplishment of these goals depends first and foremost on the political and professional skills of the WFTU's administrative staff and elected officials. This is why we too have done our part to make qualified officials available for service on behalf of the WFTU. As host country for the WFTU we are in direct contact with its representatives who are in charge of preparations for the world congress of trade unions, and we gained some valuable experience as coorganizers in the Ninth World Congress of Trade Unions. Building on this experience and on the basis of arrangements that have been made with the WFTU, we are making a direct contribution to preparations for this congress in three main areas:

1. in the political area, i.e., in the actual drafting of the principal congress documents;

2. in the area of providing public information and publicity services on behalf of the congress;

3. in the area of providing organizational and material support for the congress.

The most important document to be issued by this congress will bear the title "Trade Unions and the Problems of the 1980s." This document will attempt to cover the whole range of problems which the world trade union movement is working on or on which it is forced to take a stand. This document will focus on issues of war and peace, issues which are of vital interest to working people, and on the increasingly more responsible role being played by trade unions in individual countries and in regions all over the world. This document analyzes the position in which working people find themselves during a period marked by the deepening crisis of the capitalist world, replete with all of the accompanying burdens that must be borne by the working people. It emphasizes that these mounting social stresses are above all compounded by the growing power and influence of the multinational monopolies, especially those which traffic in arms. It offers documentary proof of how these problems are centered and intensifying not only in the capitalist countries, but also in the developing countries which are experiencing the plunder of their natural resources by the multinational monopolies and a dangerous proliferation of racism, fascism, hunger and backwardness.

The final portion of this document shows where the world trade union movement as a whole should go from here to deal with these problems and points to the future problems facing on the WFTU with regard to individual regions, international trade union associations and the international trade union movement as a whole.

On the basis of a decision made by the General Council of the WFTU, representatives of the URO contributed to the editorial work on the drafting of this document and raised a whole host of ideas and suggestions. This was likewise the case with other documents that will be submitted to the congress for review. The 31st Session of the WFTU General Council held in Moscow in 1978 approved, among other things, documents that call for amendments to the organization's statutes. These amendments highlight the organization's class-oriented, internationalist and global character. They make provisions for certain changes that are designed to make improvements in the organizational structure of WFTU agencies. The revised statutes accentuate the goals of the WFTU and in this context emphasis is placed on the fight against capitalist exploitation and discrimination. Some of the other issues that feature prominently in these revised statutes are the right to work, social legislation and the right of all working people to training and education, the fight against imperialism and for the final elimination of colonialism, neocolonialism, fascism and racism in all of its forms, the fight to secure the economic and political independence of all nations, the fight for the relaxation of international tensions and the securing of a lasting peace. We firmly believe that the revised statutes will receive the endorsement of the 10th World Congress of Trade Unions as a further step toward the consolidation of the class unity of the international trade union movement.

Comrades, the 10th World Congress of Trade Unions is an event in which our entire ROH will have a stake. Through their hard and honest work, all members of our movement can make their own contribution to this congress by affirming their alignment with the international trade union movement. International solidarity has been and still is one of the most powerful weapons in the hands of the working class and all working people. This is why we are giving such a high priority to this solidarity in the course of fulfilling our internationalist obligations. A deep devotion to the spirit of internationalism and the commitment to working class solidarity are long-standing traditions in our trade union movement. And today, too, we maintain that everyone who makes regular and special donations to the ROH International Solidarity Fund through the purchase of solidarity badges is also contributing in a large way to the material support of the 10th World Congress of Trade Unions.

In this connection, I would like to point out--and we have already had something to say about this on several previous occasions--that the volume of badges that are being purchased still varys rather markedly both from plant to plant and also from one okres or kraj to another. If we look into the reasons for this state of affairs, we find that this is a problem of the varying attitudes of our officials toward this practical manifestation of proletarian internationalism and solidarity. Nothing could be more harmful than taking a purely administrative approach to this campaign as opposed to making a conscientious effort to appeal to the political consciousness of every working person and his sense of solidarity with revolutionary and progressive forces throughout the world. To buy a solidarity badge is a matter of her personal honor as a member of the working class.

We have noted on more than one occasion that under difficult and complicated conditions revolutionary trade unionists always used to feel that they were found by their sense of class and internationalist duty to come to the aid of their class brothers. Today a fundamentally different situation prevails in our country. But we cannot forget for one moment that in many parts of the world working people are still forced to fight for their most basic rights, that these people are being subjected to constant repression and that this repression is aimed first and foremost at progressive forces. This is why a more systematic effort needs to be made along these lines to make people understand the internationalist duties of our movement and the role that each and every member has to play in the fulfillment of these duties.

A solidarity badge is in and of itself an integral part of the campaign to educate people about internationalism. Another reason why I am talking about these things is that in recent months we have frequently encountered the opinions of people--and this is something that Comrade K. Hoffman also touched upon at the last plenary meeting--who wonder whether, with reference to the events in Poland, the name of the solidarity badge should be changed. I would only like to say that this is a case either of a failure to understand what is at issue here or to some extent, of tendentious misrepresentation. Solidarity within the ranks of the international workers movement has always been one of our most cherished values, and for every revolutionary it has always been viewed as a matter of principle. This solidarity has always been a manifestation of the alliance of all revolutionary and progressive forces along class and internationalist lines. Today, as in the past, we are witnessing how reactionary forces are misrepresenting the concepts and ideals which are held sacred by the workers movement. However, this is not a sign of the weakness of these concepts and ideals, rather it is a sign of their strength. Consider, for example, how today many people are distorting the concept and ideal of socialism. They have qualified socialism by tacking on modifiers like democratic, African, Islamic, and pragmatic. For them it is important that socialism should be stripped of its class and internationalist meaning. We are advocates of scientific socialism and the kind of solidarity which is endowed with class and internationalist meaning. And we are proud of the fact that by virtue of the stands which we have taken along class and internationalist lines we are helping our class brothers and contributing toward the consolidation of the action-oriented unity of the international workers and trade union movement. Right now, this is one of the meaningful contributions which we are making to the preparations for the 10th World Congress of Trade Unions.

Publicizing the congress and its proceedings among our own working people is a no less important part of these preparations. We want to make full use of the resources at our disposal, including the fact that the WFTU has its headquarters in Prague. We will, therefore, focus our attention on holding press conferences with prominent representatives of the WFTU and appropriate officials of the URO. Plans are already being made to hold the first interviews during October and December. I am pleased to be able to inform you that world service broadcasts of a radio program called "This Is the WFTU Calling" (Hovori Svetova odborava federace) have begun. Further, problems of the world trade union movement will be addressed by a whole host of articles and editorial reviews. Wherever possible and depending on the nature of the contributed materials, most of these articles and reviews will be carried by our trade union dailies and, for the most part, by our trade union periodicals. This is with a view to making the published materials available to our trade union officials in their ideoeducational work with the membership.

Beloved comrades, we strongly believe that the 11th World Congress of Trade Unions will further reinforce the authority and prestige of the WFTU. This congress will initiate a multitude of new initiatives, forward-looking proposals, and fresh ideas that will be of benefit to the international trade union movement and our own work as well. Our delegation to the congress will take advantage of this opportunity to acquaint the other delegations attending the congress with the accomplishments of the working people of the CSSR and the highly advanced development of their trade union rights. But, by the same token, they will also acquaint them with the duties that are incumbent upon the Czechoslovak working people in consequence of their widespread democratic participation in the management of the economy and all aspects of public life. We will express our solidarity with the working people of revolutionary Cuba and all of Latin America, with the working people and trade union movements of all countries fighting for social progress and their independence.

Our delegation to this congress will give its support to everything that is positive, everything that is in line with the interests of working people. We will support the adoption of the congress platform and other congress documents, including in particular the revised social security charter, the importance of which for WFTU member organizations consists not only in its advocacy of social security rights, but also in its insistence on the achievement of social equality for all without discrimination based on race, nationality, religion, sex, age, or occupations. Depending on the situation, consideration will also be given to amending these documents to include whatever proposals might emerge from the sessions of the respective congress committees, and an effort will be made to encourage the updating of these documents to make them more responsive to the current needs of the international trade union movement. We are in favor of making further improvements in the programs that are now being carried on by the WFTU in its capacity as a global, democratic, class-oriented organization of working people in line with the needs of the international trade union movement. We will stress the need for further improvements in the programs sponsored by the WFTU and MOS in individual areas on a worldwide scale.

Comrades, in view of the fact that the 10th World Congress of Trade Unions will be an open forum for all points of view within the international trade union movement we will take advantage of the opportunity provided by this forum to broaden cooperation with our traditional partners and endeavor to enter into a dialogue with those forces with whom we have had little or no contact. In this way, too, we will be helping to further mutual understanding and cooperation and encourage a more energetic approach to solving the problems which all of the world's trade unionists have in common.

In conclusion, I would like to emphasize that all meaningful actions and all well-aimed initiatives and programs are helping to broaden the role played by trade unionists in the implementation of the political line laid down by the 16th Congress of the CPCZ. All of this helps not only to promote the welfare of our own socialist state, but also to further consolidate the political and economic strength of the socialist community, at the head of which stands the Soviet Union, a bulwark and inspiration for all of the world's revolutionary and progressive forces. And this is our most outstanding contribution to the 10th World Congress of Trade Unions.

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SITUATION IN HUNGARY, POLAND APPRAISED BY SOCIOLOGIST

Vienna ARBEITER-ZEITUNG in German 6 Nov 81 pp VIII-IX

[Interview with Michael Vajda by G. Hoffmann-Ostenhof: "Hungary in 1956, Poland Today--An Interview With a 'Dissident'"]

[Text] Hungary in 1956--was there not something similar afoot there as is going on in Poland today? Hungary today--a country which, compared with other East European countries, is prosperous and appears to be relatively liberal. Is our neighbor in the east immune to the Polish virus? These are questions G. Hoffmann-Ostenhof discussed with Michael Vajda, a well-known Hungarian sociologist and dissident who only recently returned home from 2 years of teaching in West Europe. Vajda experienced the events of 1956 as a student.

AZ [ARBEITER-ZEITUNG]: Mr Vajda, 25 years ago the big and, in the end, bloody events took place in Hungary. There is still a discussion going on about what the insurrection really was--a revolution or a counterrevolution. What do you think about this?

Vajda: It was a revolution. As a counterrevolution I would describe something where the aim is nothing but the annihilation of the socialist achievements. It is in fact debatable whether there were many socialist achievements in existence at that time. But if "socialist" indeed means something, it means abolition of private ownership of the means of production. I don't mean to say that no one wanted to destroy these achievements, but those forces were not significant, not relevant.

AZ: But surely reactionary forces were among those participating in the 1956 movement....

Vajda: Of course; no reasonable person can deny that. It is demonstrated by the fact that the reactionary forces were not defeated in an open political struggle, in a democratic process. But the communist party did not want that. It simply wanted to push all possible noncommunist forces out of the way. As far as it was concerned, anything noncommunist was reactionary. In communist propaganda the leftwing social democrats who had not gone over the communists, for example,

were reactionaries the same way as were fascists. Everything was thrown into the same pot. And therefore reactionaries existed. In such a situation no one was able to distinguish between reaction and democratic socialism. But, in my opinion, the whole thing must be viewed from a quite different angle: one must ask what it was that the Hungarian workers, the farmers and a large part of the intelligentsia wanted to accomplish. The answer is clear: a democratic form of socialism. Sometimes it was not called socialism because the masses in Hungary identified the term of socialism with the Stalinist system, which they knew. But when the workers councils organized in the factories, intending to take production into their hands--what was that if not socialism? Nor did the farmers by any means want the return of the large landowners. But time was too short to develop the political structures and to identify them.

AZ: Let me ask an historically hypothetical question: In your opinion, what would have come about if the Soviet Union had not militarily intervened in Hungary in 1956?

Vajda: I think a pluralist political structure would have come about in which the communist party would have played only a very small role. It was utterly compromised in the eyes of the people. The Peasant Party, the Social Democratic Party and a large democratic bourgeois party--those trends would have played a big role. And I am convinced that workers' self-administration would have come into being in all of production. That was contained in the program of the Budapest Workers Council. What kind of role the central workers council would have played, one cannot say. But, I am absolutely sure, it would have played some kind of role. It is not clear what the economy would have looked like; there was not time enough to consider that. Today, after the Czechoslovak events of 1968, it is clear. In Poland in 1980-1981, it is even clearer that one needs to introduce somehow some elements of the market economy to keep the economy going and avoid wasting labor. A workers council, workers' administration in the plants--that was agreed. The question of guiding the entire economy was not addressed at that time.

AZ: In 1956 there were bloodbaths, executions, mass arrests. In the West, Hungary became a symbol of communist terror. Today things have changed. One might say the West is heaping encomiums on Hungary as the most liberal and likable country of the East. Is it really the "merriest barracks in the socialist camp"?

Vajda: I would not say that it is the merriest. For people who do not want to look at anything but how the economy works, Hungary continues to be the merriest barracks. Except perhaps for Poland, where there is greater freedom these days, or altogether a great deal of freedom, but the economy there is working more poorly all the time.

Yet, is Hungary liberal? I would rather say that Hungary represents the most enlightened despotism in East Europe. That has nothing to do with liberalism. They (when we talk about power, we "they"--a clear splitting in two of society)--they want to introduce as much private initiative into the economy as possible. They also--you must be aware--permit people who hold different opinions--the dissidents--and there is comparatively little police chicanery. It does exist.

but it is insignificant compared with the GDR or Czechoslovakia. People can lead a relatively undisturbed private life if they do not want anything but an absolutely private life. That is possible. Of course there are social problems, social inconsistencies. But that is true anywhere. That is not the problem. The problem is that one cannot talk about these questions in public. In other words, if any problems are to be solved at all, it is the problems that those in power want to solve. And the sequence and the priorities are determined only at the top. The people have nothing to do with it.

I do not mean to say that one cannot talk about any problems at all. That is not the case. But one can do so only in a way which makes possible solutions by the top. There is no possibility of starting initiatives from below. This means that the country has no truck of any kind with democracy.

The second point is that those in power in fact want a kind of economic liberalism. There are an enormous amount of laws permitting, even promoting, private initiative. But I ask: In a country without any social forces, in a country where one cannot speak about morality at all, where there exist no social fabrics other than the family and the state organs--is it really possible to rev up the economy in such a country? I think not. Without a social consensus there is no possibility whatever of finding a new model for the social economy to operate in. What is being done now is emergency measures. There is a fear at the top that there will be trouble here as well, and that is the reason why all these new laws are coming out.

AJ: You say that one cannot speak about morality. What do you mean by that?

Vajda: Look at these new small enterprises, for instance--not only restaurants but also export-import firms. Someone who somehow has got the money to build a house established a cooperative in a couple of rooms there. He pretends it is a cooperative. It isn't one, of course; rather, he employs people, and that somehow is against the law. But it is tolerated intentionally. Anything being used to accomplish something is illegal. Everyone is quiet and behaves himself in politics because he is terribly afraid of losing his possibility. That is the connection between these people in power and the small and sometimes very shady businesses.

When I take my car to the garage, I cannot just put that down officially. That won't work. If I did so, I would pay an enormous amount of money to the state and would get the car back in the same condition it was in when I left it. I have to go to my garage and tell them what the problem is. Then they will say: "Let us put down officially: Change the oil and replace a bulb." Then they go ahead and do everything. They get half of what the official price would have been and do the work in the official labor time with state-owned materials at half the official price, and the state gets one-tenth of it. That way everything works. The people get their cars fixed, the mechanics make good money with the state-owned firm, but everything is deceit, it is all hypocrisy. People no longer realize that this should not be so. Yet all this can contribute to the fact that the country is not being ruined as fast as Poland was ruined.

AZ: But is the trend in that direction?

Vajda: No; because nothing at all is being invested here. Those in power do everything they can to have people acquire personally as much of the national income as possible. But what has been ruined completely is the whole infrastructure. The infrastructure cannot be maintained that way. Children in new housing developments go to school in three shifts. Some children go to school in basements and warehouses, and God knows where, in three shifts--small children, 6 years old. And then the hospitals. The entire health system, the telephone, the water in the countryside.

AZ: In the long run, is that not a shortsighted policy ruining the economy?

Vajda: A shortsighted policy, yes. The only alternative is total abolition of this centrally delegated economy. But that, those in powers would never permit. Only if it is demanded from below, as the Poles are doing now. Voluntarily those in power will never reorganize the economy. The entire economy is connected with their being in charge of the whole economy. The fact that there exists a central economy legitimizes--not subjectively but objectively--this type of power.

AZ: A bourgois central economy with social control....

Vajda: Of course, but with this centralization there cannot be any social control at all. First there has to be decentralization; that of course is the main point. The main point is social control, the existence of social organs, and that is something which in Hungary, with all kinds of "liberal" means, certainly is not being introduced. Society--that is what is lacking; and of course what is connected with it--publicity. Basically, I am of the opinion that in the final analysis the trend of all these societies is in the direction of Poland as far as the economy is concerned, because the whole economic machine is being guided and directed in such a totally undemocratic way.

AZ: What is left over of 1956?

Vajda: Very little, I am afraid. In this respect the official propaganda has been pretty shrewd. They did not talk about it very much. After the mid-1960's there was not much mention of 1956 any more. Total silence. Anyone had been forgiven for what he had done provided that he did not intend to continue to be active in that spirit. The fact that leading intellectuals who had been in prison for 3 or 4 years then become the most celebrated intellectuals of the country also very much contributed to the demoralization of the whole country. But now those in power are afraid again.

AZ: What are the reasons for this fear?

Vajda: On the one hand, it is the result of our activity. We dissidents know that we do not want to keep silent about it any longer. It is a tiny group and one virtually without influence, but this type of power is always very much afraid of such circles--simply because the communists were not any large crowds of workers either, but simply small intellectual groups.

On the other hand, they see the Polish example. We know better that the situation in Hungary is something quite different from the situation in Poland before 1980; they do not know that. In such a situation they have no sense of social analysis. They know nothing at all. They want to believe their own slogans, and since they cannot do so, they think that Hungary too might become a Poland at any moment. Unfortunately that is not so, because basically the people are still satisfied. That may change--and they know that better than we do--if there is an economic crisis. In Poland, moreover, there was an organization that could not be nationalized in any way at all--the church.

AZ: Is not the difference between the situation of the Poles and that of the Hungarians also connected with the fact that the Polish workers have had more experience with organizing than the Hungarian workers?

Vajda: Quite so. The Poles had their spontaneous workers' insurrection in 1970.

And in 1976 we could see that the same workers organizations that had been established in 1970 were there again and were able to create a great movement. And the young generation of Polish intellectuals was very shrewd. The KOR in Poland--that was a group of intellectuals of a type quite different from that of the reform communists in Hungary in 1956 or in Czechoslovakia in 1968. KOR no longer was interested in how to improve socialism fundamentally. They got hold of the concrete point where something was to be done. But KOR could only come about because a workers movement somehow was already in existence in Poland underground. And that is a big difference. The Hungarian intellectuals are fish without water.

AZ: So if one compares Poland in 1980-1981 with Hungary in 1956, what are the similarities, and what are the differences?

Vajda: In Hungary at that time, there was a spontaneous organization, the way the workers worked it in the plants, but politically the concepts were far from clear. The Poles now proceeded from the premise that a revolt cannot be the solution. That was not the case in Hungary. In Hungary the power collapsed on a single day, and then there was a power vacuum here too, but it was a quite different power vacuum from that in Poland today. In Poland there exists on the one hand an official power which in reality is no power at all, while on the other hand there has arisen an unbelievably great power of the workers and the people which formally has no power at all. In Hungary, this power vacuum was something quite different. One did not know as yet in what direction one should proceed. The consciousness that can be witnessed in Poland these days did not exist.

In Poland today there exists a fairly unified people that does not simply want to destroy the government power, that does not want to cause total chaos, but wants to achieve its demands step by step. Something like that did not, could not, yet exist at that time. Now this socialism has already a long history in East Europe. We have gathered some experience. We live in a socialist world, and it is our task to make this socialism more tolerable, more human and to make it work better.

CURRENT TASKS OF POLICY TOWARDS INTELLECTUALS REVIEWED

Budapest PROPAGANDISTA in Hungarian No 4, 81 pp 5-24

[Article by Jozsef Szabo, rector of the MSZMP Political College: "Current Tasks of Our Intellectuals Policy"]

[Text] The resolutions of the 12th congress of the MSZMP and the Sixth Five-Year Plan of the people's economy deal in a comprehensive way with the timely tasks of the building of socialism and designate the most important goals of our further progress or the concrete paths leading to these goals. Whether we are talking about the renewal of the economy resulting in accomodation to current world economic conditions, about the requirements of the socialist way of life or a further strengthening of aspects corresponding to its character or about the solution of tasks appearing in the area of public culture or in the sphere of health affairs, achieving the goals set forth requires the cooperation and joint efforts of every class and stratum of society.

Within these joint efforts ever greater significance attaches to the knowledge and experience accumulated within the intelligentsia, the talents and abilities of our intellectual workers, without which our most important economic, cultural and ideological goals could not be achieved. The tasks to be solved today place significant demands on the intellectuals.

I. Judging the Current Situation

In working out and implementing its intellectual policy the party has always relied on a recognition of the changes deriving from the law-like movement of reality and on the political experiences which represent the reality of everyday. It is only on this basis that one can judge the current social situation of the intellectuals and the tasks accompanying their role.

Characteristics of Change Among the Intellectuals

When judging the current role of the intelligentsia the first thing which must be taken into consideration is that our socialist intelligentsia is even numerically a significant stratum. the ratio of those with intellectual occupations now comes to about 25 percent of the active earners among us. In the decades since the liberation the number of experts with higher education has increased dynamically. In 1941 they numbered 91,679 but by 1980 this had increased to 488,500 so that the number of experts with higher degrees is about 5.3 times that of before the war.

The development was dynamic in the decades of socialist construction. The number with higher degrees in 1980 was 5 times that of 1949, 2.9 times that of 1960 and 1.6 times that of 1970.

Their internal composition changed at the same time. In 1941 half (50.6 percent) of those with higher degrees worked in legal science administrative areas and in health affairs areas (one third of those with degrees were law graduates). In 1980, in contrast to this, 15.8 percent of those with degrees worked in these two areas while 25.2 percent worked in industry and the construction industry and 36.8 percent worked in educational, scientific and public culture areas. Today the internal stratificatation of the intelligentsia is more differentiated professionally and is not characterized by the numerical dominance of some one group. This internal restratification is the consequence of the economic, cultural and scientific development which has taken place in our homeland and in itself well reflects the magnitude of the changes.

So a significant intellectual potential has accumulated in the course of the decades of socialist construction thus far. This is an intellectual potential which, if well managed, could significantly accelerate the solution of the tasks appearing today. But if it remains unutilized not only will we lose a part of the effort which society expended in earlier decades to increase the intellectual stratum but also it could slow our further progress thus increasing our problems and this could become a source of disquiet. With an awareness of this the 12th congress of the MSZMP defined the most important goals of our intellectuals policy: "We should make better use of our intellectual resources in every area in an organized way and should increasingly require the participation of the intelligentsia in socialist construction work and public life."

Favorable possibilities for the realization of these goals are ensured by the fact that the overwhelming majority of intellectual workers believe in the building of socialism, not only agree with our fundamental political goals but also want to contribute actively with their activity to their realization. The change which has taken place within the ranks of the intelligentsia in this respect as compared to the period before the liberation is of no less magnitude or importance than the development in their numbers and internal professional composition. The small, internally divided intellectual stratum inherited at the time of the liberation, professing different views and ideological systems, frequently bearing conservative, reactionary views, has become a large stratum, united in the basic questions of socialism and committed to the values and goals which carry society forward.

The changes of historic magnitude which have taken place in the numbers, composition and political committment of the intelligentsia can be made good use of today to the benefit of the progress of the workers and of society. If the conditions necessary for action are available to this stratum, if politics formulates realistic, clear goals and tasks requiring the unfolding of their abilities then they will work accordingly and with their creative work they will aid in the solution of the tasks arising in the course of socialist construction.

The qualitative change which has taken place in the political profile of the intelligentsia is rooted in the decades of the building of socialism thus far. As a result of the restratification processes which accelerated after the liberation, as a result of society becoming more open, the composition of this stratum

according to origin has changed favorably. More than 50 percent of the guiding and subordinate intellectuals today are of worker and peasant origin. The great majority of this stratum has grown up in the socialist social system, their abilities have been formed and developed here and they have become a socialist intelligentsia on the basis of experiences acquired under the conditions of a socialist society.

In themselves, however, neither origin nor the process of education would have been sufficient for the creation of that political committment which characterizes the most recent decades of their development. This is proven by the experiences of the first half of the 1950's when, as a result of the distortions developing in the policy of the party--the reigning atmosphere of distrust, unprincipled flattering of a few, awarding privileges, etc.--intellectual policy also turned from the path announced earlier, as a result of which not only was the link between the party and the intelligentsia full of tensions but even the trust of a part of the intelligentsia in socialist goals was shaken.

The renewal of the party of the worker class and the consolidation of the chief basis of the people's power, the worker-peasant alliance and the alliance policy, created strong foundations for a lasting alliance of the worker class and the intelligentsia. The intellectuals policy of the MSZMP is a principled policy standing on a class foundation. Respect for this policy was increased in broad circles of the intelligentsia by the fact that from the beginning it did not permit a myth of its independent role to isolate the intelligentsia from the worker class. The intellectuals policy is part of the alliance policy, the supporting pillars of which are the leading role of the worker class and the worker-peasant alliance. The union with the intelligentsia is not some sort of tactical move based on the search for short term advantages but rather it rests on the recognition that solving the tasks of socialist construction requires common thinking and common action. A large role in the creation of this alliance was also played by the recognition by the intelligentsia that the MSZMP was not asking joint action to reach goals alien to this stratum but rather that the goals set forth by the party and the path selected for their attainment were also the best guarantee for the realization of the interests of the intelligentsia as well. The cultural policy announced by the party and the practice thereof created a real cooperative relationship for the intellectuals and had a positive effect on their behavior.

The two and a half decades which have passed were not free of shocks, tension or problems. But this alliance has stood the test of time. Both the party and the intelligentsia have proven with concrete action that they are ready and able to resolve the difficulties which arise. We have solved great tasks, including some which have contributed significantly to the material and cultural development of the Hungarian people at a pace never before seen in history. During these two and a half decades two new generations of intellectuals have grown up which, together with the earlier generations, can be justly proud of their performance.

The 1980's have brought new tasks for Hungarian society as a whole and thus for the intelligentsia also. New types of tasks have appeared in virtually every sphere of social life from the economy through public culture and health affairs all the way to the arts. The switch to an intensive developmental phase, for example, requires an acceleration of technological development and changes in the product structure and the technological structure. As a result of these

developmental trends the role of the intelligentsia is increasing in Hungarian society. As a result of this increasing role the intellectuals policy of the party is becoming more important than before also. This policy is called upon to create the social conditions for assuming the increasing role and to provide that realistic scope within which opportunities for real action will open up. A basic element of the intellectuals policy of the party is that continuity which is based on a consensus with the intelligentsia on the basis of the chief political trend and on the fact that the party has always been able to accomodate to the changing tasks set forth by changing situations. It is a natural element of this continuity that we should draw the appropriate conclusions from the new situation which has arisen today.

Present Characteristics of Intellectual Functions

It is one of the fundamental aspects of the present developmental period that the specialization of the intelligentsia is increasing, they are becoming specialized intellectuals. The various strata and groups of the intelligentsia are performing tasks which differ greatly from one another, in various areas of social life, tasks which cannot replace one another. All this is coupled with specialized training of radically different content also. The increasing role of the intelligentsia is expressed primarily in a strengthening of these professional functions.

The strengthening of specialized activities, separated to a certain extent from one another, can be justified functionally in socialism also, but this can never be complete. On the one hand this follows from the fact that every activity serves the realization of all-social goals, either directly or indirectly. On the other hand it is a fundamental interest of society that intellectuals performing specialized activities should actively contribute to the realization of our social policy goals. This, however, can be done only if this stratum is able and willing and strives to work for the basic political goals of socialism, to think in terms of class, people and nation. Thus the strengthening of specialized activity presumes the ability to orient oneself in social processes, presumes modern culture, but also presumes a form of behavior whereby this stratum will participate, in its everyday activity, in public life and in the formation of policy.

Perhaps the most unique social function of the intellectual stratum, one which has been strengthening and developing for long centuries, is the function of creating intellectual values, or preserving and transmitting values. Although, naturally, every class and stratum of society has such a function the role of the intellectual stratum is still outstanding--on the basis of the knowledge they acquire, the experiences they accumulate, their way of life and the position they occupy in the social division of labor they are the chief guardians and realizers of that continuity which exists in the intellectual life of society. Active participation in maintaining, transmitting and developing further scientific achievements, economic and production experience, artistic creations, etc. is the specifically sphere of the intelligentsia. We cannot give this up without endangering the intellectual life of society with impoverishment and emptiness.

Here we have in mind the communal-public life function of various strata of the intelligentsia. The knowledge which accumulates, the inherited, preserved and further developed experience, requires the intensive participation of this stratum in the life of the various communities of society also because this experience and

knowledge play an important role in the creation, survival and further development of the communities as well. The practical realization of this function can be experienced day by day where the regional communities and the place of work communities largely coincide (for example, in village communities) but it is also realized--if in modified form--under more industrialized urban conditions also.

In addition to the above listed aspects it is also an important task of the intelligentsia to use the achievements of themselves and others for the good of the community, to fight for the new, for progress, and in this fight to win allies and bring about change in their own environment.

There can be no doubt that the strengthening of the specialized functions brings changes in the traditional functions of the intelligentsia. It is not only that a new function is joined to the former ones; the existing functions are modified also. But the process of becoming specialized does not decrease the role of the "traditional" intellectual functions; just the contrary, the increase in the significance of the professional function also increases the significance of the other functions.

a. For example, the strengthening of the professional character of the activity means that the professional groups of the intelligentsia, becoming separate from one another, come into institutional contact, in their activity, with certain parts of the culture of society and their role in preserving and further developing these parts increases. Here we can speak of the unification in a new way of the professional and cultural function.

b. Another determinant of the strengthening of the professional functions is the partial separation of the power relationships and the guidance functions interdependent with the professional division of labor. Professional knowledge is the fundamental selecting principle for getting into guiding positions in the division of labor so these positions are largely occupied by members of the intelligentsia. These guiding functions always mean guidance of place of work communities, and it follows from the social nature of guidance processes that they also have a political aspect or character.

But the current partial separation of the power-rule relationships of society and the guidance functions deriving from technical division of labor relationships takes place on the soil of the political rule of the worker class. The leading role of the worker class continues to be realized, the intellectuals with specialized training represent the interests of the worker class and realize its leading role through their guidance work. It is an important function of socialist democracy that in their guidance activity the members of the intelligentsia should serve the worker class and the people. This is the chief meaning of intellectual work!

Professional and political elements must be welded into an organic unity in the activity of intellectuals working in guiding posts. This follows directly from the fact that professional guidance activity always affects the individual aspirations of the members of the guided collective and the interests of the smaller and larger collectives. And this is politics. This circumstance explains why the professional function and the communal-public life function of the intelligentsia cannot be separated from one another today. The exercise of the professional

function--directly for intellectuals in leading positions and indirectly for the others--is mixed with communal-public life motifs.

c. The broadening of socialist democracy is not possible without the activation of the intelligentsia in both senses. The socialist society cannot do without the expertise and accumulated experiences of the intelligentsia in the formulation of social-political goals and in working out concrete action programs serving their attainment. But this is possible only if the intellectuals receive the opportunity for and are interested in worthwhile participation in various public life forums and actively take part in the work being done there. This broadly interpreted communal-public life activity is also the best school so that the members of the intelligentsia will take into consideration the interests of the classes and other strata of society when formulating their own interests. In addition, this communal-public life activity is the best tool for the realization of those interests of the intelligentsia which derive from their unique situation.

d. In connection with the communal-public life aspect one must also touch on the relationship of the individual and the community. One can truly create in a truly intellectual community because the personality unfolds better and more many-sidedly through a community. Some of the intelligentsia are inclined toward private individualism. If communal feeling is to become a vital element for someone, if he is to be a leaven for the community, this must have been mastered in school and out. The secondary schools, colleges and universities have a great role in forming one into a communal man. In 1974 the journal KRITIKA published a letter written by Peter Veres in 1936 to the youth of the Technical University. Posing the question in his letter he writes as follows:

"What did an engineer have to strive to be in the old world, in addition to being a good expert?

"He had to strive to be a gentleman, indeed a perfect gentleman!

"And the other question is: What must a contemporary technical person be, in addition to being a good expert?

"To be a perfect communal person. To be a responsible citizen in the socialist society as well!!"

He adds later: "An engineer does not have to know 'everything' but outside of his own profession he must certainly be acquainted with the developmental history of humanity, with the history and culture of his own national community! Otherwise he will not be a whole person."

The culture-forming activity of the intelligentsia ties in with this. The role of culture is increasing dynamically in the current phase of our social-economic development. Today modern culture is just as important a condition for the solution of our economic policy goals as it is for the further enrichment of the intellectual life of society. So it is of great importance how actively the intelligentsia join in the solution of our contemporary tasks and how effectively they carry out their culture-transmitting function. Their professional place of work activity is a part of this just as is their political public life activity. This activity creates the possibility for the intelligentsia to take part in the

formulation of cultural policy goals and programs, in the practical realization of them and in strengthening socialist awareness. Both forms of participation are essential here--the more intensive and more effective the participation in the practical realization of public culture tasks the greater opportunities they will receive, those on whose shoulders execution will rest, in the development of the goals and programs which constitute the basis for this. Sociological studies convincingly demonstrate that effectiveness in realizing the best goals depends to a significant degree on how convinced those involved are concerning the correctness of the goals. The only way to create conviction is active participation in the formulation of goals and programs, the possibility for creative formation of their content.

In the present phase of our development the intelligentsia as a whole and the several strata thereof must carry out their professional, cultural and public life functions more effectively and at a higher level than heretofore. Increasing effectiveness depends in part on whether the intelligentsia is ready to assume a greater role than before. The most recent decades of our development have proven with unambiguous clarity that the overwhelming majority of the intellectuals are not only ready for a more intensive participation in the tasks but also are seeking possibilities for this. To a significant degree, however, the effectiveness of the fulfillment of their intellectual functions is determined by whether the objective conditions for higher level performance are available and whether the intelligentsia has sufficient freedom of movement to join in the solution of common tasks in accordance with their best knowledge.

II. Tasks Awaiting Solution

We have achieved significant results in connection with this in past decades. Naturally there remain partially solved or still unsolved problems as well. Amidst the higher level requirements of our day these take on greater importance than in earlier phases of our development

Universities and Colleges

The degree to which the intelligentsia will be capable of carrying out its social functions is decided in part in the process of becoming an intellectual, primarily in the educational institutions. The colleges and universities are not only intellectual workshops which prepare for later professional tasks, they also offer opportunities for preparation for public life functions. It is not a matter of indifference at what level our institutions of higher education carry out their tasks appearing in both areas and how the situation and mood of the university student develops.

Domestic studies have shown that our present educational system does not pay sufficient attention to the qualitative attributes of professional intellectual activity. The various colleges and universities carry out their educational functions with differing effectiveness. Basic social science research has not developed sufficiently in the universities and the teachers are not always able to give satisfactory answers to those questions of the students which have ideological content.

The requirements are not always satisfactory either. It is well known that colleges and universities represent a unity of teachers and students. The chief interest of the student is to become a good expert and it is the task of the teacher to teach at a high level and make requirements for study. This is also the interest of society because if the student becomes a good expert, if he is well prepared for his future work in the course of study then he will work better and society, the people, will get more from the results of his work.

There are significant differences in regard to the chances of students of worker and peasant origin of getting into different institutions of higher education. The social composition of the various intellectual strata is developing differently. Some are more and some less open. The lack of openness decreases the mobility of students from strata in less advantageous social situations and does not always ensure that the replacements in the ranks of the intelligentsia come from the truly most suited. These problems are receiving appropriate attention in the work of modernizing higher education and a solution of them as soon as possible is an urgent task for our day.

The system of social policy measures is called upon to ensure an improvement in the living conditions of university and college students. This includes the extent to which the conditions for undisturbed study work (the supply of rooms, tools, etc.) are available in institutions of higher education. The absence of these factors not only makes difficult high level study work but also justly arouses in students and teachers the feeling that their calling is being undervalued. Despite our more difficult economic development conditions we must make all efforts in the interest of improving the living and working conditions of university students.

A large role in an appropriate solution of these problems falls on the youth federation which is also the crucial arena for the interest representation and communal life of the students. But one can find an unevenness in the work of the university organizations of the youth federation. Sometimes the movement character is forced into the background and signs of "self movement" by the apparatus can be observed. Those questions which really concern young people do not always get enough room in the various existing forums.

All this is all the more worthy of attention since if society expects the intelligentsia to join actively in place of work and place of residence public life then it should be regarded as an important requirement of university movement work that it create opportunities for the creation of local political, cultural and cultural communities, a community life in which the students will learn to formulate their interests, take into consideration the interests and viewpoints of others, harmonize the interests of others with their own and master the most purposeful tools and forms of interest realization and interest harmonization. If opportunities for this do not exist then some of the young people will turn from the broader community and become indifferent or isolated before they even become intellectuals. The habits thus formed will make difficult or will long interfere with participation in place of work and place of residence public life later.

Intellectuals Beginning Their Careers

The development of the situation of young intellectuals beginning their careers has an effect on the intelligentsia as a whole and strongly influences the effectiveness of their work. It must be treated as a significant problem today that the life situation of young people starting work is more differentiated than would be desirable, according to the material situation of parents and the method of obtaining housing. In addition to the undesirable strengthening of inequalities the problems young people have in starting families is coupled with the danger that for a significant number of them the professional and material prospects diverge. Unfortunately it not rarely happens that material prospects can be improved by work done outside of work time or sometimes in other areas than those for which they are qualified while high level professional activity in the original place of work is not coupled with adequate material recognition. For some of the young people this is already coupled with the requirement that they give up professional self study or even professional production and creative activity in these years when this would be most important! The diploma only makes it possible to become an expert; everyone becomes a real expert on the job. If, however, we add to the above phenomena the fact that some of the young people--primarily in the economy--do not get work corresponding to their abilities and training or if there is inadequate material recognition for greater intellectual achievement and the product thus actually created then the process of becoming an expert is necessarily deficient.

This latter problem is already one component in the mood of young people in a number of places of work. Attention must be paid to this all the more since ensuring professional prospects on the job does not usually require additional material assets but rather professional, leadership conduct which, by giving useful and demanding tasks, will in itself encourage young people beginning their careers to become active and achieve economic results. All this can be achieved if truly suited young people offering high performance get the material and moral recognition due them and if the places of work use the knowledge of the young people for that for which they were prepared. This also coincides with the interests of our enterprises; the extra performance which can be achieved by developing an efficient staff increases the level of enterprise management and increases the enterprise profits.

A number of good examples prove that bringing together the professional and material prospects of young people and opening professional opportunities for them results in significant accomplishments. The need for agricultural specialists trained at a high level became general after the socialist reorganization of agriculture. A significant number of the young people coming out of higher education received responsible positions very quickly, received work offering real creative opportunities. The greater enterprise independence, the better internal mechanism of the enterprises, direct participation in the guidance of production and adequate interest in agriculture even today offer more opportunities for the unfolding of the creative talents of the intelligentsia than in industry. The young people of the 1960's already belong to the middle generation and together with the older generation of agricultural intellectuals they have a great role in bringing science to agriculture. The greater possibilities of this stratum to express their creative talents have contributed to the dynamic agricultural development and a high level feeling of responsibility for the present and future of agriculture has developed in the members of the agricultural intelligentsia.

We have not been able to achieve the same situation for a significant part of the industrial, technical and economic intelligentsia. The creative talents of the young experts have not been able to unfold adequately in our large industrial plants.

This is partly a result of the fact that the past developmental period has been characterized by slow advancement opportunities for young people. It is characteristic of the situation, for example, that about 20 percent of the leaders working in industry will retire within 5 years while there is largely lacking that stratum of 30-35 year olds which might have been prepared in lower level leadership functions for their later leadership tasks. Another circumstance playing a part in the development of this situation is that in a significant number of our industrial enterprises the middle aged and older technical-economic intellectuals also have been unable to turn their talents to account sufficiently. One reason for this--in my opinion--lies in the internal organizational, administrative structure of the large industrial enterprises. The position occupied in the enterprise organizational hierarchy counts for more than performance in the size of pay. At some large enterprises many experts who should be working in the producing plants and sections are working in the departments of the enterprise center.

Our homeland occupies a leading position in regard to the number of workers with high level technical education as compared to the population. At the same time the under-employment of technical intellectuals is significant (partly because the training of middle level technicians cannot be regarded as solved today). The income ratios which have developed do not favor the unfolding of the talents of the creative technical intelligentsia either. The income level of this stratum is not much higher than that of the average for skilled workers, in many cases it does not reach it. It is true that in many cases there is no demand for greater intellectual performance and its creative product. But even where there is the income difference is small in proportion to the value of the accomplishments offered. The material and moral recognition for innovations, inventions and outstanding technical solutions is an unsolved problem as a result of which our homeland is in last place in Europe in regard to specific indexes of innovations and inventions. And one cannot say here that there would not be the suitable material funds, because the innovations and inventions would create that value from which the creators could be rewarded. It is another question whether the extra income created by intellectual creations appears adequately in the funds which can be used, whether the efficient use of the funds available for this purpose is a problem which has been solved everywhere. The deficiencies of enterprise incentive policy lead to holding back intellectual accomplishment and thus to a loss of supplementary material resources. We must seek these causes in the regulator system, and in the conditions for management in general, which contribute to the development of this situation. But the enterprises could help to improve the situation if they made appropriate use of those conditions which are available today. This is all the more important because the unsatisfactory income relationships and living conditions of the technical-economic intellectuals can not only cause political tensions in this stratum of the intelligentsia but also endangers the attainment of the fundamental strategic goals of the party which are directed at technical development and at increasing efficiency, quality and economicalness.

The situation of the other strata of the intelligentsia is no less important from the viewpoint of an effective realization of our social policy tasks.

Teachers

To a significant degree the knowledge and world view of succeeding generations, the traits characteristic of their personality, their ideological preparation and their relationship to society depend on the activity of the teacher stratum. The living and working conditions of teachers and the material-objective conditions for educational work have improved significantly in the wake of party resolutions and state measures dealing with the situation of public education and the tasks for its development. The supply differences between various types of schools and various areas have decreased.

There is still much to be done in this area. The income situation of some strata of teachers (for example, in lower level educational ties significantly behind the average for the intelligentsia and the character and significance of their activity does not justify this. Many feel that the income situation of even the better paid teachers is deteriorating relatively. The overburdening in the schools is still great and this causes precaution for their professional activity difficult and harms their morale. Teacher training is obsolete and studies show that there is an undesirable selection resulted in regard to who chooses a teaching career.

Education as a whole stands before a significant substantive and organizational renewal. But the effectiveness of the educational reform will depend--however good the basic principles--on how it is realized in the actual instructional work of the teachers. It is vitally important, therefore, how we prepare the teachers for the changes which can be expected in their work. Among other things, this preparation must include bringing teachers with appropriate experience into the preparation of the reforms.

Much valuable experience has been accumulated not only in the responsible sciences but also in practical teaching activity and this cannot be ignored if our goal is to develop a really efficient educational system. Teaching activity is by its essence creative activity and it cannot be limited to execution alone in the course of developing reform ideas and implementing them. In this connection we must take further steps in the interest of seeing that the schools become real intellectual workshops for educating with an intellectual climate which encourages the effectiveness of the work of the teachers and is appropriately attractive for school teachers. Today, unfortunately, a significant number of our schools cannot be regarded as such workshops.

Creative Atmosphere Active Public Life

A significant number of the problems indicated briefly here cannot be solved without the active participation of the intelligentsia. Maintaining a creative atmosphere and putting the initiative of the intelligentsia into the service of our social goals is a primary task for academic and political public life [illegible] which [illegible] relevant and better opportunities.

[illegible] and social organizations offer good possibilities for [illegible] and political public life. The party relies on its own [illegible] and activity in order to [illegible] intellectuals in the solution of special tasks as well. The general trade union has gained in significantly in recent years also and this provides room of movement to activate the

the opportunity to participate in communal tasks. Results have been achieved in organizing professional public life by the various professional federations and organizations. It will be necessary to maintain and make more profound this developmental process in the 1980's also.

Our increased tasks emphatically pose the requirement that we find additional possibilities and forums which will make it possible to bring the intellectuals into public life even more. This should not be limited simply to "listening to them," rather it must result in an active forming of public affairs. This is justified not only by the complexity of the tasks standing before us but also by the fact that without such forums and institutional decision-making opportunities some of the intellectuals might feel that they were being left out of the solution of our social problems, being left out of professional and political public life. This could decrease their feelings of responsibility, could increase their sensitivity, could lead to a loss of perspective and as a result of all this undesirable and avoidable social conflicts might burst forth.

The continuity and consistency of the intellectuals policy of the party mean a guarantee that there will be answers for the new situation. "The party supports and encourages independent, creative thinking, has faith in the intellectuals active in ideological, cultural areas and requires their cooperation in the solution of social tasks...." This goal presumes a relationship between the party and the intelligentsia in which there will be an opportunity not only for an exchange of experiences and combined thinking but also for the active formulation of decisions.

In accordance with this we must seek possibilities which will provide increased support for the independent organization and operation of professional communities. In part, the organizational frameworks for this are given already today. But there are still too many bureaucratic elements in the activity and internal life of professional organizations and societies, the exchange of creative information is weaker than it should be and the creative atmosphere does not have a high enough temperature. We must strengthen the social aspects of these professional organizations, including their self-active character. Naturally there may be debates in this cooperation. It is a natural phenomenon that in addition to a committment to socialism there may be different approaches to different problems.

We must reckon with the fact that a more active inclusion in public life will be accompanied not only by agreement but also by the voicing of criticism. Naturally, the critical function is not the prerogative of the intelligentsia, but in a critical analysis of our existing processes we cannot do without the expertise, competence and analytical and synthesizing abilities of the socialist intelligentsia. The critical function, which includes showing the path toward a solution, is interdependent with the situation of the intelligentsia also; by virtue of the position occupied in the technical and authoritative division of labor and their knowledge, information and experiences acquired in guiding various areas they have a broader view of many processes than the other groups and strata of society and they feel more quickly the changes which are coming. It is the nature of a socialist intellectual to be critical, but at the same time to seek solutions, for only he can truly serve the cause of the worker class and the working

But there are a number of conditions for the successful exercise of the critical function. Before all else the members of the intelligentsia must have a social science culture (economic, philosophical, sociological and historical) with Marxist foundations which makes possible orientation in what is happening. It is of great importance that they have available all that information on the basis of which they will be able to orient themselves amidst various phenomena. Thus ideological activity, agitation and propaganda work are of outstanding significance. Thus a further increase in the effectiveness of ideological, agitation and propaganda work is an important condition for and aid to an increased inclusion of the intellectual stratum in public life. Information must be provided swiftly and precisely, theory and practice must be welded together, there must be appropriately timed answers to the problems arising in practice, in science and ideology, etc.

An effective exercise of the critical function also presumes a political culture which is characterised by, among other things, tolerance and respect for the opinions of others. We cannot regard every difference of opinion as destructive criticism, as abandonment of the positions of socialism. To a very great extent the criticism exercised by the members of the intelligentsia is constructive even today and is guided by a desire to improve things, to further the cause of socialism. Not only must we listen to such criticism, we must take it into consideration appropriately as well.

Nervous, rigid, rejecting answers given to the voicing of criticism may serve the cause of socialism in a given case in regard to their intent but in reality they do not reduce but rather increase our existing problems. The stifling of criticism could make us insensitive to existing and even increasing problems, could delay the recognition of new socialist situations. Socialism needs independently thinking intellectuals, committed to social development, loving the homeland, ready for cooperation, but at the same time not shying away from criticism. The only standard for judging critical opinions is commitment to the cause of the existing socialism, a search for how to build socialism even better, for--to make use of the thoughts of Marx--whatever exists is worthy of being improved. We must act with appropriate means against every criticism which goes beyond this, but we should not lose our standard. It was in this vein that the 11th congress of the SED[1] took a stand when it emphasized that, "The democratic forms have an important role in uncovering and harmonizing various interests, in debating views, in realizing the fundamental interests of society as a whole." The development of socialist democracy is an important element in an efficient solution to our upcoming economic and social tasks. In progress in the direction of social self-government.

I believe that the party can justly count on the creative participation of the intelligentsia in the further development of the immediate and long-range tasks and in their implementation.

Sys.
Chr

RESULTS OF ZNP-EDUCATION CONGRESS REPORTED

Resolution Criticizes Education Ministry

Warsaw GLOS NAUCZYCIELSKI in Polish 3 May 81 p 3

[Resolution of the XXXII (XIV) National Congress of Delegates of the Polish Teachers' Union (ZNP)-Education]

[Text] The Congress accepts a historically correct sequential numbering of congresses, recognizes the present Congress as the XXXII, and recommends that succeeding congresses be designated only according to this principle.

Acknowledging the resignation of citizen Vice-Premier M.F. Rakowski and the ministry's position in the matter of implementing the social agreements of 17 November 1981 as being far from meeting the expectations of the educational community, the XXXII ZNP-Education Congress passed on 24 April 1981 a resolution to suspend deliberations until 12 June 1981.

The Congress requires of the Ministry of Education:

--a report on the implementation of agreements negotiated on 17 November 1980;

--a statement of the ministry's draft to improve the socio-economic conditions of education employees;

--a statement of the ministry's draft for a Teacher's Charter;

--a working paper on the draft for a legal statute for education and upbringing employees who are in non-teaching positions.

In order to have the public's consultation with the above documents, the Congress is requiring that they be published in the columns of GLOS NAUCZYCIELSKI [Teacher's Voice] and in non-press publications no later than 4 June 1981.

So as to gain the opinions of communities, the XXXII National Congress of ZNP Delegates will resume deliberations and pass appropriate resolutions.

The Congress' decision is a protest against the ministry's management and the government's slowness in implementing social contracts, but at the same time it has the character of an instrument for supporting actions by the minister of education and upbringing that favor improving the condition of education in Poland.

At the same time the Congress accepts these fundamental documents:

--Statute of the Polish Teachers' Union;

--ZNP's ideological-program declaration;

--ZNP's program of action for 1980-83 voted on in the XIII National Assembly of ZNP Delegates with the addenda made at the XXXII (XIV) National Assembly of ZNP Delegates;

--The protocol of agreements dealing with demands of teachers and education-upbringing employees of 18 November 1980 which were negotiated in Warsaw between ZNP and the Government Commission and which puts the ZNP Main Board and all union elements under the obligation of seeing that they are implemented.

The Congress is obligated to keep ZNP members up to date on the degree and means of implementation of the documents that have been accepted.

Moreover, the Congress accepts:

--the declaration of the XXXII National Congress of ZNP Delegates;

--the letter to the citizen deputies-members of the Sejm Commission for Education and Upbringing.

The Congress expresses its dissatisfaction with the results of the work of the Sejm Commission for Education and Upbringing; this was reflected in the letter directed to the deputies-members of that commission.

The XXXII National Congress of Delegates ZNP-Education passed a resolution on the inaccessibility of the Branch Trade Unions' Consultative Commission, accepting at the same time joint-action with the union of so-called public service.

The Congress sees the need for "Solidarity" of Education and Upbringing Employees to join forces with NSZZ in dealing with problems that are essential to all of education.

All recommendations which were presented at the discussions and sent on to the Commission for Resolutions and Recommendations are being turned over to ZNP-Education Main Board for further utilization in the work of the administration.

The Congress expresses its approval and appreciation for the aggressive action of the outgoing Main Board and thanks its members for their work in the period between congresses.

Proposals Made, Documents Approved

Warsaw GŁOS NAUCZYCIELSKI in Polish 21 Jun 81 p 5

[Resolution of the XXXII Congress of Delegates of the Polish Teachers' Union (ZNP)-Education]

[Text] The XXXII National Congress of ZNP-Education Delegates is concluding its deliberations at a time when our country is facing a complicated political and socio-economic situation.

Education, as a primary common-national resource, must gain its lawful importance in the state's social policy.

Our country's future lies with the proper education and upbringing of the young generation and with the proper functioning of the whole educational-upbringing system. The Congress thinks that this system cannot function properly without a comprehensively conceived development of the educational-upbringing base.

In connection with this:

The Congress sees the need for amending the law on the system of national education and obligates ZG ZNP [ZNP Main Board] to participate in the work on this law.

The Congress demands of the Government of the Polish People's Republic:

--increased educational outlays in the state budget;

--introduction of appropriate rules regulating the ordering of building construction in line with educational investments;

--priority for educational publications and, in particular, school textbooks and reading materials;

--general resolution of the problem of specific working and living conditions of teachers in rural areas.

The Congress accepted the documents proposed by the Minister of Education and Upbringing and expressed its attitudes toward them:

1) ministerial draft of the law--the Teacher's Charter

The Congress approves the draft of the Teacher's Charter and at the same time binds the Main Board of the Polish Teachers' Union-Education to further work in pursuance to the remarks submitted by the educational community so that the Teacher's Charter would come into force on 1 September 1981.

The Congress considers putting the following entry into the Teacher's Charter as one of its essential clauses: every year--in the first quarter--there will be a comparison made between the wages of teachers and the wages of engineering-technical employees according to the data of GUS [Main Statistical Office].

The difference in wages that is disadvantageous to teachers will be used for raising their basic pay rates.

2) draft of the "Charter of the School Employee Who is in a Non-Teaching Position"

The Congress accepts the draft of the "Charter of the School Employee Who is in a Non-Teaching Position." At the same time it obligates the ZNP-Education Main Board to deliver to the ministry of Education and Upbringing the demands and resolutions submitted during deliberations as well as the signed agreements with the educational community. The delegates demand the presentation of this document before 31 July 1981 and its submission for public discussion and criticism so that the "Charter of the School Employee in a Non-Teaching Position" could come into force effective 1 September 1981.

3) information on the implementation of a protocol of agreements in the matter of demands by teachers and education-upbringing employees of the Polish Teachers' Union.

The Congress accepts the information on the status of the implementation of a protocol of agreements proposed by the ministry.

The Congress, based on the discussion and information provided by the Secretariat of ZNP-Education Main Board, expresses its concern with the incomplete degree of implementation of agreements and obligates ZNP-Education to execute a timely implementation of all agreements signed by the Ministry of Education and Upbringing on 17 November 1981. The Congress likewise obligates ZNP-Education Main Board to guarantee the full implementation of agreements signed by the trade and union section with the Ministry of Education and Upbringing;

4) draft of the government program to improve the material conditions of education and upbringing employees.

The Congress demands the completion of the implementation of the government program to improve the material conditions of education and upbringing employees by 1 September 1983.

In connection with this, ZNP-Education Main Board is obligated to obtain by negotation the basic salaries of teachers in three installments in approximate percentages. The initiation of the first stage of the increase should start at a time set by the government draft.

The Congress recognizes the need for achieving changes in the program in the section dealing with health care as well as the business of education and upbringing employees' housing in accordance with the proposals submitted.

The XVIII Congress of ZNP-Education Delegates obligates the ZNP-Education Main Board to undertake those activities which result in giving the accepted documents legal force within precisely determined times.

The Congress authorizes the ZNP-Education Main Board to execute timely implementation of resolutions contained in legislative acts that have been passed--by applying with rigor all the statutory powers.

Taking into consideration the special contributions to national education and culture by teachers who are retired and on pension, the Congress demands:

--that pensions and annuities of the old file be computed according to the presently operative schedule of payments of active teachers by 1 January 1982.

--the computing of pensions and annuities of the old file in keeping with the increases in the cost of living or earnings of active teachers;

--an increased number of State honors, especially higher than the Gold Cross of Merit, for retired teachers who are deserving of it, but have often been forgotten--particularly clandestine teaching teachers;

--an increased allowance for retired teachers with wives who are not working;

--a 25 percent bonus annuity for teachers of clandestine education.

The Congress obligates the ZNP-Education Main Board to undertake efforts to have educational work done by teachers in a country overseas during the period of occupation recognized as clandestine teaching together with the rights that go along with that title.

The Congress sees the need for broader coverage of problems disturbing the community of teacher who are retired and on pension in the columns of GLOS NAUCZYCIELSKI ("Teacher's Voice").

The Congress obligates the ZNP-Education Main Board to exert efforts toward building homes for teachers on pensions, and, in particular, homes of social assistance for the chronically ill and those living alone.

The XXXII National Congress of ZNP-Educational Delegates have accepted the following documents:

1. The open letter to the PRL [Polish People's Republic Sejm], treating it as an integral part of the Resolution.

2. Letter to the delegates to the IX Extraordinary Congress of the Polish United Workers' Party (PZPR), treating it as an integral part of the Resolution.

3. The final Resolution of the congresses of both federated ZNP constituencies.

The Congress obligates the ZNP-Education Main Board to implement the questions placed on the agenda during deliberations and delivered by the Resolutions Commissions.

The delegates to the XXXII National ZNP-Education Congress express their thanks to the ZNP-Education Main Board and the Ministry of Education and Upbringing for their timely transmission of documents of the Congress.

The delegates express their approval of the actions of the ZNP-Education Main Board undertaken between the first and second part of the Congress.

ZNP Statute

Warsaw GLOS NAUCZYCIELSKI in Polish 3 May 81 p 12

[Text] Discussion on the final version of the ZNP Statute lasted several hours. Every article was analyzed and voted on. At the request of the delegates and our readers we are printing the ratified Statute "General Provisions" together with the section entitled "ZNP Goals and Tasks."

I. General Provisions

a) education and upbringing employees;

b) higher schools and scientific institutions employees.

Article 2. The Polish Teachers' Union is independent of administrative authorities and political organizations.

Article 3. The Polish Teachers' Union serves the Polish people, bases its activity on the Constitution of the Polish People's Republic [PRL] and on international treaties negotiated by the Polish People's Republic.

Article 4. The Polish Teachers' Union--abbreviated ZNP--possesses its own legal status.

Article 5. ZNP's sphere of activity is the area of the Polish People's Republic. The seat of the Union's leadership is Warsaw capital city.

II. ZNP Goals and Tasks

Article 6. Being engaged in extensive activity aimed at increasing the social importance of the profession of teacher and science employee, ZNP:

1) is a spokesman of interests and a protector of the rights of all education and scientific institutions employees; it approaches appropriate government and state administration organs in the matter of legal acts defining employees' rights and obligations and their working conditions and salaries; it negotiates and formulates collective labor contracts; it checks on the observance of law and order and work legislation, it cooperates with government and state administration organs in matters dealing with employment of workers;

2) it endeavors to improve systematically the social and material situation of education and upbringing employees as well as higher schools and scientific institutions employees and retirees and pensioners; it takes care of their vital questions and aids them in investigating benefits and entitlements due them.

3) it checks on working conditions, industrial safety and hygiene conditions, and accidents at work and occupational diseases.

4) it cooperates with appropriate authorities and health service institutions in trying systematically to raise the employees' state of health; improve medical care, rehabilitation and treatment at health resorts, and organize various forms of rest breaks at work and forms of relaxation away from work.

5) it works in support of ameliorating housing conditions; in particular, it brings up subjects for discussion in meeting employees' housing needs; it sees to the social control over the observance of their rights; it brings up for discussion demands and suggestions in regard to housing construction; it participates in the management of the plant housing fund; it cooperates with state administration organs and with the cooperative housing movement in allocating housing to education and academic employees as well as retirees and pensioners.

6) it develops various forms of fellow-worker mutual aid, and if need be it organizes and supervises a relief-loan bank;

7) it undertakes efforts in support of a constant expansion in the participation of its members and their families in all forms of social benefits; it shares in decision-making in the management of the social fund for employees;

8) it surrounds retirees and pensioners with care as full-fledged members of the union; it cooperates with appropriate state authorities in the matter of constructing social welfare homes and rest homes for the aged;

9) it aids members in the form of statutory benefits and grants-in-aid; it surrounds the widows and orphans of its deceased members with care; it assures the duty of children of members in an indispensable capacity;

10) it cooperates in matters of social security and sees to it that this is implemented in a correct and timely way by ZUS [Social Security Agency] and other organs of social security;

11) it runs various forms of union care for young people preparing themselves for a profession in teaching and academic work, and who are beginning to work in this profession; and the union endeavors to incorporate the work of these young people in fulfilling union tasks;

12) it inspires and organizes research on the history of ZNP.

Article 7. ZNP takes an active part in forming a progressive "face" of Polish culture and education. With this particular goal in mind:

1) it cooperates in defining policy in field of science and education and in defining plans for their development and outlays for these plans.

2) it forms the professional ethics of the teacher and science employee and defends the observance of its ethical principles;

3) it strives for the untrammeled development of creative thought in the field of science and education and for the carrying out of scientific research which serves social progress;

4) it works at raising the level of education, science and upbringing; it develops activity for the support of improving the quality of work of schools, plants and scientific institutions with the purpose of suitably preparing cadres for the national economy and culture; it shows special concern for the creative research of education and science employees aimed at raising the level of instructional-upbringing and academic work in schools and scientific institutions.

5) it demands the securing for schools, institutions and their employees the proper outfitting relative to their tasks: instructional facilities, furnishings, equipment and assistants.

6) it endeavors to consolidate and deepen the principles of upbringing in a spirit of tolerance and respect for the dignity of man.

7) it attaches special importance to the matter of forming and perfecting the professional teacher, and developing an academic cadre; it takes part in working out a system and programs dealing with forming and perfecting the professional teacher; it organizes in its own sphere various forms of deepening its members general and professional knowledge and pedagogical culture; it acts in support of forming conditions indispensable for a systematic raising of the level of professional qualifications;

8) it conducts among its members upbringing activity; it strengthens their feeling of responsibility for our country that is jointly managed; it spreads the idea of patriotism and internationalism; it forms a positive attitude of active work for the good of the Homeland.

9) it cooperates with appropriate ministries in conducting hiking, sport and cultural-education functions among education and science employees;

10) it participates in conducting social-educational and popular science activity in the community.

Article 8 ZNP:

1) participates in the negotiation and checks on the implementation of social contracts concerning education and scientific workers;

2) works in support of the unity of goals in the professional movement in Poland and engages in interunion teamwork, and in particular, negotiates agreements with other unions and undertakes joint activities aimed at defending and representing the interests of employees and the proper functioning of their places of work;

3) works in support of strengthening international solidarity of education and science employees, takes part in the work of the International Federation of Teachers' Unions and the World Federation of Scientific Workers, and implements the principles of the international "Teachers' Charter" and "Academic Employees Charter."

[illegible]
CSO: 2600/48

ACTIVITY OF ZNP-SCIENCE MAIN BOARD REPORTED

Deliberations of ZNP-Science Main Board Plenum

Warsaw [illegible] in Polish 10 Oct 81 pp 6-7

[Article: "Approval With Reservations"]

[Text] During the course of the deliberations of the Polish Teachers' Union (ZNP)-Science Main Board (ZG) plenum last October 6th, which was to have been devoted to several problems important to the Board's future work, one subject clearly predominated, absorbing most of the time. This might be regarded as a shortcoming, were it not for the fact that the subject was equally important, as well as controversial, and that it ensued directly from a particular situation which recently developed not only within ZNP-Science, but within the entire federation. The ZNP ZG chairman, A. Lopata, spoke about it in his introductory address and we, too, wrote about it previously in [illegible] SADCZYCIELSKI, in reporting the meeting of the Main Council and the presidiums of both unions.

What is this subject? Briefly, the assessment of the past policies conducted by ZNP-Science and presented also by the entire Main Council--policies which arouse considerable doubts both among members of the ZNP-Science presidium, and particularly among colleagues in education. And because the question of determining the direction in which the Union is going and the conformance of this direction with the Congress' resolution, cannot remain in the hands of a leadership composed of several people but must be the expression of the opinion and striving of the entire organization, the problem had to be thoroughly discussed and a common position worked out.

The matter of the Main Council's scope of competence and methods of functioning also had to be considered, for it is a fact that in practice it became apparent that the system of operation of this joint organ of the federation has not been worked out in sufficient detail and [illegible] matters must still be agreed upon, in consultation, of course, with the Main Council of the fraternal union. This should take place during the anticipated joint deliberations of both Main Board plenums.

The discussion was begun by members of the secretariat, vice chairmen A. Siedlecki and A. Kulesiński, and M. Sawczyński, a member of the ZNP-Science ZG secretariat, who shed some light on the initiatives undertaken by the Union recently both in the Sejm commissions and in the teams appointed to prepare a draft of various legislative acts, and also on the talks conducted by the leadership of our organization with government representatives, church authorities, and social organizations.

[illegible] the participation of the Union in the legislative work, A. Kaluzinski reported the status of the work and the position taken on individual matters by representatives of our organization. Among the legal acts that are especially important to our community, the one closest to completion is the law on higher schools, a draft of which has been already sent to the government presidium and will be soon sent to the Sejm.

[illegible] As the law on research institutes is concerned, the associations have already been prepared, with the participation of ZNP-Science, and have now been submitted to the communities for comment. However, work on the law on the Polish Academy of Sciences (PAN), which had been quite far along, has recently had to be halted due to the radical change in the position of the representatives of the Independent Self-governing Trade Union (NSZZ) Solidarity.

As Prof. B. Baliowiec, chairman of the PAN Warsaw Environmental Board, who took part in the plenum deliberations explained, the draft law had actually been completed and circulated by both unions on September 5th, however on September 17th NSZZ Solidarity sent a letter to the president of the Polish Academy of Sciences advising that it is withdrawing its representative from the commission preparing the law, and thus is withdrawing its previous acceptance of the prepared document. As to the remaining legislative acts, such as the law on academic degrees and titles and the law on [illegible] science, it is disturbing that not even the preliminary work for their preparation has yet been begun.

Union representatives also participated in preparing laws affecting society as a whole, such as the law on enterprises and worker self-government. They cooperated with the advisory group working on reform of the labor code and also expressed their opinions on a draft law on censorship, etc.

In addition to activities in the field of general standards acts, the legal-social problems of individual members of ZNP-Science are settled. The Main Council took a position on over 190 such matters.

The fact that representatives of our organization, in an ever-wider range, are being invited to serve on teams and commissions preparing different types of legal acts, [illegible] underlines the representative position of ZNP as an independent headquarters, which in turn has an important effect on the prestige and position of the Union in [illegible] and negotiations, both with authorities as well as other socio-occupational [illegible].

[illegible]

M. [illegible], a member of the secretariat, spoke extensively on the scope and course of [illegible] and talks which undoubtedly [illegible] the expression of the general policy of ZNP-Solidarity and ZNP as a federation. He gave most of his attention to [illegible] which evoked controversial opinions both among the members of the [illegible] as well as among colleagues from the fraternal union. What [illegible]

[illegible] the visit to Opol Olsky, the Primate of [illegible] this visit was coordinated with the ZNP-Education

leadership and was to be, on the one hand, an expression of approval of the Church's position on the country's socioeconomic crisis, and on the other hand, it had as its purpose a mutual exchange of viewpoints on the kind of teaching being conducted in Polish schools, while maintaining neutrality on the philosophy of life and school secularity. It was also felt that in a field as important as the upbringing of youth, there are certain areas of activity that are common to both the Church and the Union. For example, the struggle with depravity and drug addiction, the cultivation of a work ethic, counteraction to asocial and unpatriotic attitudes, teaching honesty of thought and deed, and many other specific traits that are irrespective of any professed philosophy of life. Finally, it was important to obtain the support of the Church for the initiative of the Union concerning the Coastal Workers Stipendiary Fund.

After the meeting, a joint communique was sent to the Polish Press Agency (PAP), which was met with sharp criticism. In particular, the criticism stated that "both sides are in favor of neutrality in the Polish schools' outlook on life" and also that "they perceive the merits of religious instruction outside the school".

Meanwhile, the intent of the first of these statements was, as comrade Sewerynski explained, to express the common viewpoint that the school should remain secular. And if this particular definition was not used, it was only because in popular awareness it means, contrary to his actual meaning, indoctrination of the philosophy of life. As to the second expression, it constituted a clear recognition by the Primate of the principle that religious instruction should take place outside the school. What is more, in the talk, the Primate stated that the Church has long taken the position that for many reasons it is better to teach religion independent of the school.

Unfortunately, in the opinion of some colleagues from ZNP-Science and ZNP-Education, neither of these two expressions were sufficiently sharp and clear, which could have given the impression that there has been a change in the viewpoints held thus far on the subject of school secularity and upbringing.

The second point of dispute was activity aimed at establishing cooperation with Solidarity.

What was involved, specifically, were the steps taken to overcome the distrust and enmity between both organizations by: sending a letter to Lech Walesa with a proposal of cooperation in fields of interest to both unions; participation in the Solidarity congress, despite lack of an official, written invitation (and solely on the basis of an invitation sent through Professor Kukolowicz); and finally, sending a letter to the congress which contained the statements that ZNP is in favor of those activities of Solidarity which are aimed at democratizing life and that in the belief that we have a number of common fields of action we are prepared to cooperate while maintaining complete separateness and organizational independence of both unions.

What was the purpose of these initiatives? First of all, to find a common plane of activities with an organization that is not only the largest in the country but also one to which most of our colleagues, who are not ZNP members, belong. Colleagues whom ZNP members meet and work with on a daily basis, who are linked together by

the same professional goals and a common concern for the good of science and education. It is also obvious that these goals will not be reached in an atmosphere of discord and organizational unwillingness, an atmosphere that cannot be endured over a long period.

But this is not all; on the assumption that we are the largest union of intelligentsia and intellectuals in Poland, we felt it was our obligation to seek agreement with all social forces in the country and to act to overcome the crisis of mutual confidence. Society also has a right to expect this of us.

Finally, the ZNP-Science leadership felt obligated to implement the Congress' resolution, which commits both the Main Board as well as the Main Council to establish cooperation with other unions.

The fact that many of these initiatives were undertaken without coordination with the Main Board plenum is undoubtedly a mistake, but the justification for this may have been the necessity to act quickly and the lack of technical means to obtain the plenum's approval.

To these explanations, Sewerynski added that the frequently expressed accusations that all of these actions by the Union met with a complete lack of response from Solidarity are denied by, among other things, the letter from the Solidarity Nationwide Consultative Commission of Science (OKPN), containing an expression of readiness to establish cooperation.

M. Sewerynski's speech, which was something in the nature of a description of the policy conducted by the Union, provoked a stormy discussion that lasted for many hours and which, in view of its importance for the future activities of our organization, we present here, condensing the more important portions of the individual statements.

Results of ZNP-Science Main Board Plenum

Warsaw GLOS NAUCZYCIELSKI in Polish 18 Oct 81 p 7

[Text] Declaration of the ZNP-Science Main Board

1. The renewal of social life in Poland, begun with the memorable workers' revolt in August, 1980, is not proceeding in a manner consistent with the nation's expectations and is actually in danger. The people are weary and deeply disturbed by the repeated tensions and steadily deteriorating economic situation. Thus a fundamental turnaround is necessary in the process of democratic transformations in our country.

The Polish Teachers' Union-Science is sincerely willing to contribute to the building of a national agreement, realizing the special role which the Polish world of science and the entire intelligentsia should play in this work.

2. The idea of self-government is an important factor in the transformations in our country. We are in favor of applying it rapidly in economic life and in expanding it to other fields of social life. It is especially important for our Union to restore self-government in scientific institutions and higher schools, for only on this basis can science develop freely and youth be educated properly. That is why we will continue to act vigorously in behalf of passage of a law on higher schools, which the academic community in our country is awaiting.

Resolution

The Main Board of ZNP-Science agrees with the past activity of the Union leadership which is aimed at implementing the resolution of the First National Congress.

This pertains particularly to:

a) the functioning of ZNP as an independent Union headquarters,

b) the maintaining of contacts, corresponding to this role of the Union, with the country's political authorities, with the Sejm, the Government and the Church, and the establishing and continuing of cooperation with NSZZ Solidarity and other union headquarters.

The Main Council of ZNP-Science:

a) obliges the Presidium of ZNP-Science to function according to the statute through the Union organs,

b) notes that during the vacation period the past activity in contacts with the basic elements of the Union was inadequate and obliges the Union leadership to immediately take the appropriate actions,

c) sees the need to intensify the news-propaganda activities of the Union, and especially to give more attention to the matters of our community in GLOS NAUCZYCIELSKI,

d) obliges the Presidium of ZNP-Science to take actions aimed at strengthening the cooperation with ZNP-Education.

Proposals for Talks With the Nationwide Consultative Commission (OKP) NSZZ Solidarity

1. Joint activities on behalf of the needs of the scientific community.

2. A discussion of positions on specific matters on which the Minister of Science, Higher School and Technology conducted talks with both unions.

3. Joint activities on behalf of respect for union freedom and union rights.

4. Appointing a joint advisory body for both sides or establishing other forms of consultation.

5. Equal-rights relations between ZNP and Solidarity in matters of science and education.

Proposals on Topics for Discussion with the National Consultative Commission (KKP) NSZZ Solidarity.

1. A discussion of problems of interest to both union headquarters.

2. A discussion of positions in the matters of drafts of the currently most important standardization acts

-- a labor code

-- a law on people's councils.

3. A discussion of forms of permanent bilateral contacts between ZNP and Solidarity.

NSZZ Solidarity's Reply

In response to a letter sent by the Main Council of the ZNP to the chairman of NSZZ Solidarity, Lech Walesa, the Main Council received the following reply:

"In reply to your letter dated July 1, 1981 sent to the chairman of KKP NSZZ Solidarity, Lech Walesa, we wish to advise that we sent KKP the opinion of the Nationwide Consultative Commission of Science Congress, in accordance with which we see the advisability of bilateral talks pertaining to specific problems of interest to both parties.

At the same time we wish to emphasize that in bilateral contacts we can represent only members of NSZZ Solidarity employed in higher schools, in Polish Academy of Sciences (PAN) posts and ministerial institutes, and none of the accepted agreements may violate the position represented by the authorities of NSZZ Solidarity and the Education Section of our Union.

The undertaking of more institutionalized forms of cooperation will depend on the results of talks with the NSZZ Solidarity National Commission and the NSZZ Solidarity Education Section, which we will begin in the near future.

The reservations expressed by the Education Section concerning contacts with ZNP-Education particularly require explanation.

In accordance with the position presented above, we await your proposal concerning the agenda and date of the possible meeting of OKPN representatives and representatives of your Union."

For the OKPN Program Office, Michal Nawrocki /[in boldface].

9295
CSO: 2600/67

POLITICAL AGITATION IN POLISH SCHOOLS DISCUSSED

Warsaw TRYBUNA LUDU in Polish 14 Oct 81 p 4

[Article by Piotr Rzadca: "Around Today's School - The Restless World of the Youth"]

> [Text] The schools, principally the secondary ones, are being flooded with leaflets and pamphlets of unknown or suspect authorship containing texts that are venomous, tendentious and demogogic, the credibility of which cannot be verified. Various emissaries incite the students to participate in protests and encourage them to form organizations whose activities are in conflict with the upbringing goals of the school.

Attempts are made to antagonize the school community, to split it into groups of opposing viewpoints--both among students as well teachers. The youth are encouraged to put forward demands that have no relation to their actual aspirations but are suggested to them by adults who are pursuing their own political interests. We are hearing about minors taking part in hooliganist disturbances and defacing commemorative monuments, and about the involvement of students in the distribution of illegal publications, either anti-socialist or anti-soviet.

Negative Behavior Models

Add to this the breakdown in the authority of many institutions and persons, the discrediting of the official truths, proclaimed until recently, and the confusion in the minds of the youth on the reality that surrounds them. Supplement this with facts on public attacks on the schools which supposedly "distort", "deprave" or "lie", which, in consequence, builds a wall of distrust between students and teachers, with all of the negative pedagogical effects that result from this, /and we have a not-at-all overdrawn picture of the danger to which are youngest generation is now exposed/[in boldface].

Students quickly adapt to negative events and they equally quickly adopt patterns of demagogic, aggressive and arrogant behavior from adults. Neither is it difficult to exploit them for destructive activity, freeing feigned feelings, taking advantage of political ignorance, suggesting high-sounding slogans, and playing on ambitions to defy adults.

Particularly disturbing are the attempts to involve minors in the political controversies of the adult world, a cynical--for there is no other way to describe it--exploitation for various kinds of protests. Nor is it possible not to be indignant at the reading materials that are offered the students, materials that release only negative feelings, setting people against the state and the authorities, weighing them down with old resentments to neighbors, offending the many years of labor of all those who built postwar Poland, regardless of the mistakes that were made in it.

/It was precisely in these matters that the Political Bureau of the Central Committee of the Polish United Workers' Party (PZPR) recently spoke out, indicating the need to "/firmly oppose the exploitation of youth for purposes that are in conflict with the interests of Poland, the interests of the working class, and are in conflict with the best traditions of Polish democracy, attempts to exploit the young generation to weaken the socialist state and its organs".

Let us recall that the Political Bureau called attention to the necessity for "nurturing the primary values and virtues of citizenship, the sense of responsibility for the country's fate, the understanding of the supremacy of its interests..." emphasizing at the same time the importance of socialist youth organizations as allies and partners to the party in the idealogical and patriotic upbringing of the youth, in the building of political unity of the young generation/[in boldface].

Under Conditions of Political Controversy

Many situations which can bring harm or good to the students take place in the school. That is why it has an important and responsible duty to conduct pedagogical work under the conditions of political controversy which now exist in the community. That does this mean in practice?

/It is understandable that the school cannot abandon its socialist and secular character, since, just as in other countries, it expresses the ideological tendencies of the political system/[in boldface]. It is difficult, therefore, to agree to the presentation, within its walls, of material that is inconsistent with the scientific bases of the teaching program, or which attacks political authority. /But at the same time, the school cannot, as has taken place thus far, operate from one anniversary to the next. It cannot construct its program of upbringing on spur-of-the-moment slogans or current political events/[in boldface]. Every reasonable teacher will confirm that this brings more harm than good, since the the basic condition for a truly effective school is long-range influence, based on permanent values, those which constitute the basic ideals of socialism, its fundamental humanistic qualities, drawn from universal standards of ethics.

The position has been widely taken, and which deserves approval, that in furnishing knowledge about the past there should be no avoidance, as has been the case until recently, of subjects that are thorny and difficult. It is important to give the facts objectively, to the degree that research findings permit.

/These are exactly the indispensable conditions that the school must comply with if it is to increase its upbringing influence principally though the growth of the personal authority of the teacher in equipping his students with objective knowledge of the past, with honest information and comments on today's reality/[in boldface]. But school life is not limited to lessons alone.

In the present situation, the matter of the genuineness of the social life in the school takes on particular importance. /That is, how does the student self-government function, what do the youth organizations do, are the conditions for student activity favorable, and how is the cooperation between them and the teachers proceeding/[in boldface].

Self-Government as a Work Style

Of primary importance, however, is self-government, treated as the work style of the school, in which the self-governing pedagogical council is accompanied by a self-governing student body. Much has already been said on this subject, but the situation has not improved. Today, as the teacher self-government establishes itself, we may hope that the self-governing student body will also develop.

Lack of self-government, limiting student initiative to everyday matters, reducing their social aspirations simply to grades, the inability to solve the disputes that take place between students and teachers at the pedagogical council-self-government level, all of this may antagonize this community and create a medium for the activity of people from the outside who attempt to set the youth against its educators.

Would it not be well to seriously consider on what plane the pedagogical council could cooperate with the vast self-governing student body. /Is it really possible to create a program embodying jointly approved values, goals and strivings? It appears that this is possible and also of greater benefit to both sides than the constant squabbling about who has how many rights and how many duties/[in boldface]. What should such a program contain?

The Struggle to Convince the Students

Let us name, for example, a concern for the personal dignity of the students and also respect for the teachers, integrity in the performance of duties and fairness in making evaluations. Mutual requirements and friendly assistance to those who are having difficulties. Concerted opposition to the egoism of individual success at the expense of others, underhanded rivalry, correctly conceived solidarity of the school community. Sincerity, openness and honesty in all mutual contacts, tolerance expressed in respect for the opinions and customs of others, in the striving for a common search for truth and against demagoguery or taking advantage of age. Finally, for it is hard to list everything here, a joint effort to have something interesting and useful to do after school hours, a common concern for the school's honor and that it be appreciated in the community for helping to solve its problems. /Perhaps the creation of just such a program will make it possible to find a more meritorious, and not simply an official, plane for the cooperation of students and teachers.

The struggle to convince the students, inspired from the outside, is beginning to give the educators particular concern/[in boldface]. This puts the teacher party organizations, the lecturers of social subjects, and the youth organizations, in a new situation. That is, how, by joint efforts, to oppose the manipulation of the youth, the exploitation of its natural criticism in view of the reality? And, at the same time, strive to have the students, despite today's crisis, see in socialism the opportunity for fulfilling their life's aspirations?

/Most important, it seems, is that the youth be convinced that in its school everything can be discussed honestly and openly with the educators/[in boldface]. Only in an atmosphere of mutual confidence can the teachers really shape the opinions of the students and jointly reach conclusions as to which facts are true and which procedures are proper.

/But in order to conduct such talks, some joint rules of discussion must be accepted/ [in boldface]. If only such as that everyone tries to use reliable sources of information; that facts, proof and arguments are presented; and that demagoguery, slander, rumors, and obduracy are excluded; that every viewpoint is subject to a critical evaluation, and that the goal of the discussion is not just an exchange of viewpoints but also an attempt to work out a common position. By accepting such rules, democratic forms of discussion will be learned and, at the same time, disputes will be settled.

Of course, in the discussions with the youth the educator must be ideologically unequivocal, even when he expresses his doubts as to the various events of daily life. He must not weasel or take a position that is not clear, or flatter the students to obtain their applause.

/Presumably, in the struggle to convince the youth, which begins in the secondary schools, the youth organizations will more firmly express their ideological position, and at the same time seek the most appropriate forms of shaping the youth's political knowledge and experience. The teacher party organizations are also faced with applying new forms of ideological-upbringing activity--direct contacts with students and support of efforts of youth-organization elements/[in boldface],

The statement that today, despite the complexity of the situation, it is easier to talk with the students on ideology, politics and social life, may appear to be too optimistic to some. The party, at its Ninth Congress, openly and critically evaluted the past, rejecting those practices which conflicted with the correct concepts of socialism. Thus a new situation arose which is conducive to ideological-upbringing work. Openness, sincerity and honesty, supported by a clear ideological position, will make the talks between teachers and students credible. It will make it possible to effectively resist the attempts of the opponents of socialism at disseminating half-truths, demagogic slogans and false ideals.

9295
CSO: 2600/68

MEETING OF SZSP AKTIV REPORTED

Discussions of Meeting

Warsaw STUDENT in Polish 8-21 Oct 81 p 4

[Article by Zbigniew Satala: "How Far Are We Going?"]

[Text] In mid-September the aktiv of the Socialist Union of Polish Students (SZSP) met in Uniejow to discuss the more important Union matters before the academic year. This was also an opportunity to express opinions and concerns on subjects of importance to the country and the nation. During the deliberations several important documents were drawn up, including a SZSP aktiv resolution on recent events. I was an attentive listener at most of the sessions of this meeting, which lasted several days, and I noted the questions and answers during the talks with the invited guests, Hieronim Kubiak and Jerzy Nawrocki. I tried to determine how the individual students and the student activists in the SZSP felt about the conflicts taking place in the country at this time and how they felt about the course of events.

The Uniejow meeting began on the day that the Political Bureau's declaration was issued and it was going on when the letter from the Communist Party of the Soviet Union (KPZR) and the Soviet government was published. Thus these were days full of worry. (----) (Dziennik Ustaw [Legal Gazette] No 20, item 99, art 3, points 1 and 3.) Questions arose among the students which were loudly expressed. Will this declaration fulfill the envisaged goal? Will it not lead to a confrontation? The representative of the Warsaw community asserted that in his opinion the declaration is only inflammatory and is another step leading to the party's self-destruction.

The opinions were almost unanimous. In issuing such a strong declaration the Political Bureau wanted to declare that the period of concessions to political opponents has ended. The party is going on the counteroffensive and is ready to defend its position with the resources available to it. But was such a declaration necessary? Many of the participants in the discussion had some serious doubts that it was. They felt that since an alternative program for the country's renewal was prepared by Solidarity, the party, instead of issuing a declaration should set its own program against that of Solidarity's. Because is the party program which was drawn up at the Ninth Congress sufficiently clear and adequate? How many people among the public understand and support it? I listened intently to many expressions of opinion totally denying that such a program was formulated. The Krakow representative asked:

"If I, a last-year student at a higher school, cannot, despite all my mental efforts, understand the party's program, then how can the worker who is less-adequately prepared from the intellectual standpoint understand it?"

Doubts of a systems nature were also expressed. Why is the party headed for an open confrontation with Solidarity? The Solidarity movement arose from the protest of the working class, which the party represents also. "Is it not about time," asked several participants in the discussion, "that the party and Solidarity finally sat down at the same table, and slowly, step by step, brought their positions closer together. By statute, certainly, they represent the same social class, they are based on this same class. The government in the present situation is no longer a partner with Solidarity in discussions on subjects that are fundamental to the country. The party should begin a dialogue. And these cannot be the irresponsible statements of extremists such as Albin Siwak on the one hand and Rulewski on the other. This must be a factual and constructive dialogue."

"Does every anti-party statement mean that this statement is anti-socialist?" The participant who put forth this problem focused on the very essence of socialism. He concluded that in his opinion the principles of socialism formulated by the classicists many years ago have lost their timeliness. Life goes forward and the world in the last half-century has changed completely. Socialism, when it was formed, recognized dialectics and the law of development. Yet every ruling party in our country negated these basic principles. It defended every doctrine that suited its purposes, despite the fact that the situation in the country and common sense showed that this doctrine should be abandoned. "Now, too," continued the speaker, "we should make peace and extend our hand to the new social force and together with it begin to lead our country out of ruin."

In the opinion of the academic youth the party will not be able to rally the youth to the job of rebuilding the country. Solidarity, to a large degree, is a rebellion of the young, for whom there was no place in the nomenklatura system of management and leadership. The more obdurate but senior activist was valued more than the young but flexible manager. The young found a place for themselves in Solidarity. No one looked upon them with condescension. Meanwhile, in the party's activities, not much changed. The percentage of youth delegates at the Congress was negligible, just as it now is in the party authorities. This is a total mistake, since in the opinion of the representative of the academic community, it is in conflict with biology and nature.

Economic reform, which is constantly being postponed, should assist in giving the young generation some influence in the country's economy. All types of competitions for the position of directors, chairmen and managers, which will reject the mediocrities, despite their connections and attainments and titles of paid revolutionaries, will help. These competitions should produce individuals who are flexible, wise and young. That is why, as the SZSP activists strongly emphasized, the academic community very strongly supports the application of full economic reform as quickly as possible.

I have cited several doubts and opinions expressed by the representatives of the student movement on systems issues. Many other very important questions were

discussed at Uniejow, including student self-government, academic organizations, and autonomy for higher schools. However, I concentrated on the more general matters that affect the entire nation. This community, without question, has many reasons to be concerned, reasons which even the representatives of the high levels of authority could not deny.

Declaration of Meeting

Warsaw STUDENT in Polish 8-21 Oct 81 p 4

[SZSP Declaration, Uniejow, September 20, 1981]

[Text] The SZSP aktiv, despite different opinions and positions, and despite the fact that our evaluations of the social processes and the degree of responsibility of each of these sides for the situation are not always the same, expresses its joint position on several important issues.

1. A dangerous polarization of political positions is taking place. Recent events, such as the first part of the Congress of the Independent Self-Governing Trade Union (NSZZ) Solidarity, the declaration of the Political Bureau of the Central Committee of the Polish United Workers' Party (PZPR) and the declaration of the government of the Polish People's Republic (PRL), point to further tensions. The main political and social forces, with increasing violence and determination, are leading to a mutual struggle. This escalation leads to confrontation with tragic consequences.

We are against hysteria and for tolerance and responsibility!

2. The disputes now taking place must be transferred from the plane of political struggle, struggle with authority, to a plane of social and national goals. If agreement and stability is to be attained, PZPR and Solidarity must understand this.

3. The SZSP declares itself in favor of the socialist development of Poland. We believe that socialist values such as: socialization of means of production, social justice and equality, universal access to culture and education, citizen participation in governing the state, assurance of a sense of security and full spiritual development of an individual, correspond to the expectations of the majority of Polish society. We recognize the PZPR's leading role in the state. We are in favor of deep and radical reforms in our political and social life.

4. The rules for the functioning of the state, its institutions and law must be changed. Forms for institutionalization of conflicts must be created, as well as a model for an efficient economic system. We again declare ourselves in favor of a change in the electoral law and the introduction of a referendum as a form of democratic expression of opinion.

We are in favor of the development of citizen self-government by ensuring the competence of workers' and local self-governing bodies.

The rules for the functioning of social means of communication, whose work must serve society, truth and dialogue and facilitate the understanding of all Poles must be reformed.

We are for new social order in Poland.

5. The changes that have taken place in Poland are irreversible. If anyone thinks that we can historically return to our previous state he is grossly mistaken.

The part, and Solidarity are permanent elements of our political system. They jointly bear responsibility for the fate of the country. PZPR and Solidarity must define how they perceive the new social order and must also recognize that social harmony and stability can be achieved only if both forces place limits on themselves. PZPR must relinquish some of its powers to the self-governments and to the democratic citizen institutions. Solidarity must relinquish its political aspirations and unconcealed desires to assume power.

If this does not happen then the groups that today stand at the forefront of all the social forces on all sides of the barricade will bear the responsibility for squandering an opportunity that Poland will never have again.

6. We believe that it is essential to form an alliance of sensible people. We must also have a place in such an alliance. SZSP must assist in building this alliance as quickly as possible. We must declare ourselves in favor of a positive program and bear all the costs of its implementation. Society expects that this will be a joint program, of the PZPR, other political parties, the church, trade unions and other organizations, and also the SZSP. A program that is developed, and not simply sanctioned, through a new pact of social understanding.

9295
CSO: 2600/69

EMIGRE PRESS DISCUSSES 'SCANDALOUS' RECEPTION OF FRG PRESIDENT

Paris BULETIN DE INFORMATIE PENTRU ROMANI IN EXIL in Romanian 16 Nov 81 p 1

[Article: "The Scandulous Reception of FRG President Karstens in Romania"]

[Excerpts] The official visit of the president of the Federal Republic of Germany in Romania from 26 to 30 October was transformed into a scandal which was unequalled in the annals of international diplomacy and which disgusted the German press. The newspapers in the FRG harshly criticized the procedures used by the authorities of the Bucharest regime to receive the invited officials.

The series of incidents began on 28 October in Craiova, a city listed on the schedule of the visit. Here the president found a phantom settlement, a dead city. No people on the street, stores closed; only militia men stationed 10 meters apart gave life to the strange setting. Vehicles and pedestrians were strictly prohibited on the route which the German guest was to travel. The crowning moment of this scandalous reception was the visit to Craiova University. Here the president was to be received by professors and students with whom he would be speaking. This was the way it was on the schedule. When he arrived at the university, Karstens was ushered into a small room where 30 persons, who did not seem to be professors or students, were assembled. He was presented with "excuses" for this reception with the explanation that the large room in which he was scheduled to speak was "being repaired" and the majority of the professors and students were away from the city because of sickness, vacation, etc.

In Caransebes, the population was completely isolated by the militia. On 26 October, detachments of militia and Securitate forces arrived in Resita to prevent the ethnic German population from greeting Karstens. In Cisnadie and Cisnadioara, cities with an ethnic German majority, the residents were forced to remain in their houses and they were ordered not to look out the window. Nevertheless, a group of Germans succeeded in breaking the militia block and in approaching President Karstens to give him some letters. In Sibiu, the situation was even more critical. More than 20,000 Germans live there. Those listed in the Securitate files were arrested and kept in detention in the buildings of the militia and the Securitate until Karstens left. Nevertheless, some 100 Germans were able to approach the president of the FRG and hand him desperate letters. In the same city, after visiting the Bruckenthal Museum, the Evangelical Cathedral and the Episcopal Palace, where he spoke with Bishop Albert Klein, the guest visited the Evangelical Theological Institute which has 25 students, most of them

engaged in advanced studies. The German school which 500 students attend was also visited. Mrs Karstens was authorized to visit Brasov. But the same drastic measures were taken there to prevent the population from coming into contact with the foreign guest. The Karstens visited the village of Apoldu de Sus in Miercure Sibiu Commune where the same isolation of the population was strictly applied.

President Karstens had four meetings with Ceausescu. The FRG president expressed his displeasure in regard to the incident in Craiova and revealed the fact that the ethnic German Romanian population was prevented from contacting him. Also, Karstens presented a long list of ethnic German Romanian citizens who want to join their families in the FRG. According to press correspondents, the last meeting between Ceausescu and Karstens was very cool and formal. No communique was published on their discussions which indicates the state of tension in which the visit of the West German president took place. No one in Romania could explain the isolation of the population in Craiova, a city inhabited only by Romanians. Why was there such an insult to President Karstens?

CSO: 2700/81

FRENCH PAPERS REPORT ON FOOD SHORTAGES, FOREIGN DEBT

'Exasperation' of Population

Paris LE MONDE in French 17 Nov 81 p 3

[Article by Amber Bousoglou: "Romania--Difficulties in Ensuring Food Supplies Exasperate the Population"]

[Excerpts] Greeted by rocks thrown at him in the provinces, Ceausescu had to abandon the idea of meeting with the miners.

The Romanian people are becoming more and more exasperated in the face of difficulties of ensuring food supplies and increasingly difficult living conditions. In the absence of an organized movement, this exasperation is expressed in anarchistic revolts and sporadic acts of violence. The only founders of the free trade union movement who are not in prison, Cana and Brasoveanu, are subjected to such surveillance that they are practically unable to take even one step freely.

The pace of the protest actions is accelerating. Last February, the Polish events incited some unknown Romanians to distribute literature calling for the creation of free trade unions and advocating strikes and the occupation of factories during the month of May. This initiative was not known in the West until much later. Because of the omnipresence of the police apparatus, the audience of those who had called for a strike remains very limited.

In September, two home-made bombs exploded in the city of Ploiesti--one in front of a bookstore reserved for the works of Ceausescu and the other in one of the factories of the city. After the new regulations on food supplies, other incidents were to occur. On 16 October, a veritable revolt shook the villages in the region of Motru where the opencast coal mines are located. On 11 October, a decree announced that the peasants no longer had the right to get food supplies in the cities and that they would have to live, from now on, in a system of regional autarky. The majority of the miners also have farming activities. How can one feed a pig or fowl when the annual individual ration is 150 kilos of bread or other grains? And when corn meal is also rationed? In addition, the Romanians do not have any coupons to buy the 410 grams of daily bread or the monthly quota of a liter of oil and a pound of sugar (allotments similar to those which existed in 1950). They are registered in a shop in their place of residence. (When they travel they cannot buy bread.)

On 17 October, strikes broke out in the mines of Leurda, Lupoaia and Horasti and in the village of Matasari. Some militia men and some party officials who came to stop the actions are said to have been killed. Two days later, north of the city of Motru, a strike broke out in the thermoelectric power plant in Rogojelu, located at the confluence of the Tismana and Jiu rivers. Some sporadic demonstrations also broke out in Motru proper, where the party headquarters was occupied. Some political police troops came to "pacify" the region.

The press has been publishing various articles stating that the people are being nourished poorly and are consuming too many calories. But in one of his speeches, Ceausescu acknowledged that it was "normal that a miner should eat twice as much as an office worker." The head of the party and the state thought, at the beginning of November, that he could visit Motru safely, during a number of trips which he was making throughout the country to explain his policies. According to the League for the Protection of Human Rights in Romania, as soon as Ceausescu got out of his helicopter the local miners greeted him with a shower of rocks and Ceausescu went back into the helicopter which took off again.

Elsewhere, also at the beginning of November, the party secretary for the city of Orsova was found stabbed. Also, under unexplained conditions, there have been riots in Giurgiu, south of Bucharest, in the plain of Baragan, which supplies a good part of the Romanian wheat. Allegedly, the people lynched the deputy party secretary in this city while the first secretary was able to escape.

The exasperation of the population of Bucharest is no less. What could some Bucharest residents think about the police methods? Before the rationing, they were standing in line in front of the Leonida store where cooking oil was to be sold. All the people in line were taken away by the police. After their identifications were checked at the police station, there were searches at the homes of each one of the citizens interrogated. Those who had more than one bottle of oil (and had the effrontery to want to buy some) had to pay a fine of 300 lei (the minimum wage is 1,500 lei and the average wage is 2,500 lei).

In order to prevent any protests, the police are everywhere in the capital. Clandestine immigration is developing because few of the one million requests for immigration receive a favorable response. At the present time there is an influx of Romanian refugees in Austria. Peasants and manual workers, in particular, are fleeing the country just as they did in the 19th century. Those who manage to cross the Yugoslav border, trying to reach Belgrade and flee to Austria are seized by the Yugoslav customs officials and handed over to the Romanian authorities. The "border-crossers" are so numerous that they are not put in prison after their first attempt. They have to pay a large fine and undergo a beating, which generally results in the loss of several teeth. Most of the refugees complain of general corruption. Most of the cladestine emigres arrive undocumented and their presence causes additional problems for Austria.

What can the Romanian authorities do? The various reorganizations of the government, the musical chairs policy of shifting chiefs will not solve the problem. When oil was cheap the authorities began an ambitious petrochemical industry and constructed several refineries. These industries absorb the 12.4 million tons of petroleum extracted in Romania and another 10 million tons purchased abroad.

This year the USSR will supply, at the very most, 2 million tons. The rest will have to be bought for hard currency in Iran (an agreement was concluded recently) in Kuwait and in Libya. Nevertheless, the factories are operating at only 50 or 60 percent of their capacity. Also, the financial situation is not sound. Romania has already requested the rescheduling of her debts by her creditors. The foreign debt is estimated, by Western sources, to be 13 billion dollars; it could reach 16 million by the end of the year, according to some reports. The government is increasing its approaches, especially to the European Economic Community, in an attempt to ameliorate this situation.

Open Letter to Elena Ceausescu

Paris LE MATIN in French 28 Oct 81 p 14

[Unsigned article: "Romania: Discontent in the Face of Shortages"]

[Excerpts] For 6 days, in Romania, the country once considered to be the granary of the Balkans, bread has been rationed. For 3 weeks, hoarding of food products (oil, sugar, flour) has been cause for heavy prison sentences, from 6 months to 5 years. For months, there has been a lack of staples. The food lines have become more and more unbearable for the Romanians. "Three or four hours in line for a piece of cheese," writes this Romanian worker in a letter published by Radio Free Europe lat month. "Oil is no longer to be found, sugar is scarcer and scarcer and toilet paper disappeared long ago."

Difficulties with food supplies are not new in Romania (they caused a strike of the Kiu Valley miners in 1977) but they have been more acute since 1980. Here is another piece of evidence, an excerpt from an open letter written to Mrs Ceausescu by a group of women from 12 regions of the country: "One of us was waiting, along with 500 other persons, for the milk to be delivered and distributed. Only 400 liters of milk were delivered. All at once, all these ppor people--young people, old people, women, children--besieged by hunger and by the desire to have this milk, began to shove and to hit each other just as if they had forgotten that they were human beings. Some youths knocked down some old folks yelling at them: 'You need milk? You who have built socialism, go eat it now!'"

The various measures taken during the past weeks seem to be intended more to neutralize and conceal the trouble than to attack its causes. According to various reports the police are breaking up the lines of people standing in front of the shops. In Transylvania, professors have appeared on television to explain how over-consumption of milk or butter is not good for a person's health, especially for children's health.

This fall, just like last year, Ceausescu decided "to visit the Bucharest markets" in order to "make sure that the population was well supplied." But, according to several reports, the respective markets were stocked for the occasion with products which were impossible to find in 1980 and these products were removed soon after Ceausescu's visit.

CSO: 3100/128

DECREE ON ORGANIZATION, OPERATION OF DEPARTMENT FOR CONSTRUCTION ABROAD

Bucharest BULETINUL OFICIAL in Romanian Part I No 61, 22 Aug 81 pp 1-5

[Council of State Decree No 234 of 20 August 1981 on the Establishment, Organization and Operation of the Department for Construction Abroad as well as Establishment of Measures for Construction Activity Abroad]

[Text] The Council of State of the Socialist Republic of Romania decrees:

CHAPTER I General Provisions

Article 1. The Department for Construction Abroad, under the Council of Ministers, which is responsible for the economy as a whole for having the Romanian units carry out construction jobs abroad, is established on the date of this decree.

The department heads, coordinates and is responsible for doing industrial construction-assembly jobs under efficient conditions as well as housing, social-cultural and urban construction built abroad by its own units as well as for doing construction jobs in the area of road, railroad, naval and air transportation, telecommunications, electric energy, land and water improvements, the agrozootechnical, drilling, petroleum, mining and geology jobs built abroad by the construction units under the ministries.

Article 2. The Department for Construction Abroad is headquartered in Bucharest Municipality, is a legal person and is organized and operates on the basis of the principle of economic-financial and currency self-management.

As a paying organ, the department fulfills the job of general contractor, general supplier or specialized contractor, under conditions of the law.

Article 3. The Department for Construction Abroad is plan holder for the national economy as a whole in the area of construction abroad, which includes both the construction tasks carried out by its own units as well as the tasks in this area belonging to the ministries, as plan holders.

The department works out the draft five-year and annual plan for the national economy as a whole for construction activity abroad, it distributes the plan indicators by units under it, it participates in having the domestic suppliers carry out the plan tasks, it advises on the appropriate material balances and provides the reporting on achievements in construction activity abroad for the entire economy.

Article 4. Under legal conditions, the Department for Construction Abroad, on the basis of the principle of economic-financial and currency self-management, organizes the representations, branches, sections, groups of work sites, equipment and transportation stations, work sites and other similar units to do jobs abroad.

The number of personnel and the material-technical supply of the units abroad of the department are established by the note of substantiation for the jobs, depending on their volume, the provisions of the foreign contracts and other specific criteria, under conditions of economic efficiency, taking into account the standards and norms being applied for similar activities in Romania.

Salaries for the worker personnel carrying out their activity in the units of the department abroad are given by the job.

Article 5. Construction activity abroad takes place with respect for Romanian legislation in the area of organization and salaries for work, doing construction-assembly jobs, the area of foreign trade and international economic cooperation and other legal provisions. Account also is to be taken, in carrying out this activity, of the provisions in the agreements and understandings closed with the partner countries as well as the local legislation.

CHAPTER II Duties

Article 6. The Department for Construction Abroad has the following main duties:

a) It provides for the building and handing over of jobs on schedule as well as fulfillment of the other duties assumed through the foreign contracts; together with the concerned ministries, it establishes measures for carrying out the contracts on schedule and under conditions of efficiency.

b) It takes measures for the material-technical supply of the work sites abroad, appropriate supplies for them and for providing the necessary labor force, including by employing foreign personnel through the units abroad, under the conditions approved in the contracting of the jobs;

c) It coordinates and checks on the construction activity abroad as carried out by the units under the ministries and, together with them, is responsible for doing the jobs under good conditions within the efficiency indicators established;

d) It takes the measures required for efficient use of the supplies and production capacities existing in the geographic zones where more than one Romanian construction-assembly unit is working, regardless of its subordination;

e) It seeks to have an increase in efficiency of activity by utilization of new and improved technologies, by rational use of the production resources, by continually reducing consumption, by ensuring quality of the jobs, by increasing labor productivity, by reducing domestic and foreign costs, by obtaining advantageous prices and payment conditions and by receiving the proper rights on time;

f) It establishes the measures for labor protection as well as for providing the personnel's living and working conditions abroad, it organizes the activity of working out, applying and following up on the labor standards and norms, taking into account the specific nature of the various countries or geographic zones;

g) Under conditions of the law, together with the central organs in the area, it works out technical, planning, financial, labor and for payment by the job, which are specific to construction activity abroad;

h) In Romania it organizes the accounting records for the Romanian side in accordance with the regulations in effect as well as abroad, in according with local legislation; in conformity with the law, it draws up the accounting balances;

i) It fulfills any other duties belonging to it as a central organ and as an economic unit.

Article 7. The ministries which have their own construction-assembly units below them abroad fulfill the following main duties in the area of construction abroad;

a) They are responsible for doing jobs on schedule, under the conditions established when the contracting for them was approved as well as for providing the material-technical base and necessary worker personnel in conformity with the timetables for doing the jobs;

b) They take measures for developing construction-assembly activity abroad, for promoting and improving Romanian technologies and for providing higher competitiveness in their areas of specialty;

c) They fulfill the measures established by the Department for Construction Abroad regarding sensible use of the material-technical base and for doing the jobs under the conditions of efficiency established.

Article 8. The Ministry of Foreign Trade and International Economic Cooperation, together with the Department for Construction Abroad and other ministries which have their own construction-assembly units below them abroad, are required to provide prospecting of the foreign markets, compiling drafts and offers for construction abroad, for participating in auctions, for negotiating and concluding foreign contracts, seeking to promote Romanian technologies, drafts, equipment, installations, machinery and materials.

Article 9. The Ministry of Foreign Trade and International Economic Cooperation ensures the closing of agreements, conventions and other international understandings for development of construction activity abroad, it works out and places for approval, in accordance with the law, the documents for substantiating the jobs, it checks on the way that the material-technical base and capital approved are utilized; together with the Department for Construction Abroad and economic ministries, it is responsible for carrying out the construction on schedule and under the efficiency conditions established, it carries out other duties provided for by law for the coordinating and leadership of all foreign trade and international economic cooperation activity.

CHAPTER III Organization and Operation

Article 10. The Department for Construction Abroad is headed by a leadership council which decides on the general problems of the department's activity. The collective leadership of the department's operational activity and ensuring that the leadership council's decisions are fulfilled are carried out by its executive bureau.

The department's leadership council and its executive bureau are organized and operate in accordance with Decree No 76/1973 on Leadership of Ministries and Other Central Organs of State Administration on the Basis of the Principle of Collective Leadership.

Article 11. The Department for Construction Abroad has in its leadership the head of the department, the government member with grade of minister, two deputy ministers and one state secretary, who are appointed by presidential decree, while their duties are established by the department's leadership council.

Article 12. In accordance with the law, the technical-economic council and the commission for economic efficiency are organized and operate in the Department for Construction Abroad

Article 13. The Department for Construction Abroad has the following organizational structure:

a) The general directorate for construction-assembly;

b) The plan-finance directorate;

c) The directorate for supply;

d) The directorate for coordination, organization and control;

e) The personnel, social and administrative directorate.

Operating within the department is ARCOM, the Romanian Construction-Assembly Enterprise, a foreign trade enterprise, whose purpose of activity is to prospect the foreign markets, conclude foreign contracts for jobs abroad and ensure that they are carried out, to conclude contracts of collaboration or association with foreign partners in the areas of industrial, housing, social-cultural and municipal construction. The enterprise has a legal personality in foreign relations and bears exclusive patrimonial responsibility before the foreign partners connected with fulfilling the duties assumed through the contracts concluded.

The organizational structure by departments and maximum number of personnel in the department apparatus are as provided in Appendices Nos 1 and 2.*

Article 14. The Department for Construction Abroad takes over from under the guidance and control of the Ministry of Industrial Construction the specialized foreign trade enterprise, ARCOM, the Romanian Enterprise for Construction-Assembly, which is reorganized within the department.

The takeover of the unit in the preceding paragraph is done with the assets, liabilities, plan indicators and quotas of materials and allocations, contracts unfolding and the subunits in Romania and abroad.

Article 15. Salaries approved by Appendix VI to Law No 57/1974 are used for personnel in the apparatus of ministries and other central organs to pay personnel employed in leadership, administrative and operating jobs in the apparatus of the Department for Construction Abroad.

The salary for the head of the department, for deputy ministers and state secretary is given according to fulfillment of the indicators in Appendix 3.*

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* The appendices are being sent to the institutions concerned.

Department personnel are paid on the basis of quotas, in conformity with the provisions of Law No 12/1980 on Strengthening Worker Self-Leadership and Economic-Financial and Currency Self-Management in the Activity of Foreign Trade and International Economic Cooperation.

Article 16. The Department for Construction Abroad may open accounts and receive credits in lei and hard currency. The credits in lei to cover necessary expenses for carrying out construction activity abroad are given within the limit of amounts approved by the notes of substantiation, for a term of a maximum of one year from the date that the goods pass the border and date that the other expenses are incurred.

Article 17. The Department for Construction Abroad in its production structure has representatives, branches, sections, groups of work sites, work sites and other similar units to carry out the jobs abroad. The department also has the following units under it:

a) The enterprise for heavy equipment and transport for construction abroad;

b) The Constanta Supply Base;

c) Romproject, the Center for Studies and Design for Construction Abroad

The units provided in letters a) through c) are established by taking over certain activities, fixed assets and resources from existing units as well as the number of personnel provided in Appendix 4.*

Taking over the personnel is done together with the attached salary fund, reducing the number of personnel from the units from which they are being taken accordingly.

The units being established in accordance with this article have their headquarter, purpose of activity, degree of organization, organizational structure and are included by groups of branches according to Appendix 5. These units operate on the basis of the principle of economic-financial self-management, with legal personality, and are organized according to the legal provisions on the organization and leadership of socialist state units.

Article 18. The units doing construction-assembly jobs abroad which are under the ministries also move under the Department for Construction Abroad, which carries out the duties provided in this decree with regard to their construction-assembly activity.

Article 19. Approval is given for the units of the Department for Construction Abroad without legal personality to be included in the degree of organization, as provided in Appendix 6.*

Article 20. The type of organizational structure for branches of the Department for Construction Abroad is approved, as provided in Appendix 7.*

CHAPTER IV Providing the Material-Technical Base and Worker Personnel for Construction Jobs Abroad

Article 21. The materials, installations and apparatuses incorporated in the constructions built abroad, substantiated and specified by the Department for Construction

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* The appendices are being sent to the institutions concerned.

Abroad are provided by the plan. The supplying units have duties and rights provided by law for export activity for the deliveries being made.

Article 22. The construction equipment, means of transport and other supplies needed to do the construction jobs abroad are listed in the note of substantiation for the construction jobs contracted and are provided by the plan, with financing to be made from their own sources or credits. Depending on needs and economic efficiency, this equipment and these resources also are provided from the currency funds of the particular jobs as approved in the note of substantiation.

Article 23. Construction equipment, transport resources and other supplies needed to do the construction jobs abroad which exist in units in Romania are to be transferred or rented to the units doing the jobs abroad.

In case the ministries, other central and local organs and construction-assembly units do not provide the equipment, means of transport and other supplies in accordance with the preceding paragraph, the Council of Ministers is to decide upon the transfer or rental of them.

Article 24. The ministries, other central organs and production units under them are responsible for providing the material-technical resources needed to do the construction jobs abroad.

Approval of the Romanian materials and products utilized for the jobs contracted is given, under conditions of the law, by the organs and units provided in the preceding paragraph, with agreement of the Department for Construction Abroad, with schedules which provide for the manufacture and delivery of the products according to the approved timetable.

The production units are responsible for providing spare parts for the entire duration of operation of the equipment, means of transport and other supplies of the construction-assembly units abroad as well as for organization of service activity.

Article 25. The State Planning Committee, on the basis of substantiation of the Department for Construction Abroad, is to provide tasks in the annual plans of the economic ministries and county and Bucharest municipal people's councils for providing worker personnel by structure of qualifaction, by trades and degree of training as well as the capital needed to do the jobs within the schedules pledged by the foreign contracts.

Article 26. The Ministry for Technical-Material Supply and Control of the Management of Fixed Assets, on the basis of requests from the Department for Construction Abroad, is to provide quotas and allocations, with delivery terms correlated with the terms pledged by the foreign contracts, for materials, apparatuses, equipment, means of transport, equipment, spare parts and necessary supplies for fulfilling the goals abroad.

Article 27. The ministries, other central organs, county and Bucharest municipal people's councils are required to send the layout for number of personnel planned by subordinate units to the Department for Construction Abroad within 30 days from the date that the plan is adopted and to ensure that the personnel is placed at its disposal, with the department's agreement.

Worker personnel employed in the units in Romania are considered attached temporarily to the department for the entire period in which they work abroad.

The units provided in the preceding paragraph are required to employ the temporary personnel when their mission is finished, toward which end the department is to notify the particular units at least 30 days prior to the date forecast for the return of the personnel to Romania.

CHAPTER V Final Dispositions

Article 28. The takeover of activities, fixed assets, other capital, inventory objects, plan indicators, quotas, allocations and contracts from the units of the Ministry of Industrial Construction by the Department for Construction Abroad and its units are established by protocol by 30 September 1981.

By the date for closure of the protocol, the Ministry of Industrial Construction is required to continue providing all the resources and conditions needed to carry out the construction-assembly activity abroad.

Article 29. Within 60 days from the date of this decree, the State Planning Committee, the Ministry of Finance and the Ministry of Foreign Trade and International Economic Cooperation, on the basis of the proposals of ministries and other concerned central organs, are to place the changes resulting from application of this decree in the single national plan for social-economic development for 1981 and for 1981-1985 for approval as well as in the state budget.

Article 30. Appendices Nos 1, 9, 10 and 11 to Council of State Decree No 277/1979 and Appendix 5 to Council of State Decree No 468/1977 are amended in accordance with Appendix No 8.*

Article 31. The investment plan of the Department for Construction Abroad for 1981 is supplemented in conformity with Appendix No 9,* with a view to the supply of means of transport, typewriters and computers, furniture and other administrative supplies.

Article 32. The worker personnel reassigned under the conditions of this decree are considered to be transferred in the interest of their jobs.

Article 33. The Department for Construction Abroad is to present proposals for organization of transit warehouses and loading docks in the port of Constanta within 30 days of the date that this decree goes into effect.

Article 34. Article 5M of Decree No 650/1969 on the Establishment, Organization and Operation of the Ministry of Industrial Construction, referring to this ministry's duties, is amended and is to have the following content:

M. It aids construction-assembly activity abroad, providing the resources and necessary work force according to the plan provisions upon the request of the Department for Construction Abroad.

Article 35. Appendices Nos 1-9 are an integral part of this decree.

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* The appendices are being sent to the institutions concerned.

Article 36. The following are cancelled on the date that this decree goes into effect: Council of State Decree No 242/1977 on Measures To Improve Construction-Assembly Activity Abroad, published in BULETINUL OFICIAL no 76, 28 July 1977; Council of State Decree No 76/1978 on Amendment of Council of State Decree No 242/1977 on Measures To Improve Construction-Assembly Activity Abroad, as published in BULETINUL OFICIAL No 20, 16 March 1978.

APPENDIX 5: List of Units Established Under the Department for Construction Abroad

Enterprise for heavy equipment and transport for construction abroad	Bucharest Municipality	-Mechanized execution of construction-assembly jobs on work sites of Department for Construction Abroad -Operation, maintenance of construction equipment, devices, tools and means of transport needed for mechanization of department jobs	Special degree; Group IV of branches; organizational structure set by Appendix 3 to Council of State Decree No 276/1977
Romproiect, the Center for Studies and Design for Construction Abroad	Bucharest Municipality	-Works out technological designs for organization of work site for jobs done abroad by Department for Construction Abroad -Works out studies,designs for own construction jobs abroad and for export of designs	Type of organizational structure for design centers
Constanta Supply Base	Constanta Municipality	-Supply of equipment, means of transport, spare parts, materials, prefabricated products and apparatuses for construction,assembly jobs of Department for Construction Abroad	Degree I; Group IV of branches; type I organizational structure

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Jan 28, 1982